

FINAL ENVIRONMENTAL IMPACT REPORT

Cordova Complex and Quarry at Pawnee Warehouse Project

State Clearinghouse No. 2023090009
September 2024



Prepared for:

TOWN OF APPLE VALLEY
14955 Dale Evans Parkway
Apple Valley, CA 92307

Prepared by:

DUDEK

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Santa Cruz, CA 95060



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Prepared for:



Town of
Apple Valley

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Apple Valley, California 92307
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Acronyms and Abbreviations

Acronym/ Abbreviation	Definition
APN	Assessor's Parcel Number
Apple Valley	Town of Apple Valley
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CO _{2e}	carbon dioxide equivalent
EIR	environmental impact report
ESA	Environmental Site Assessment
EV	electric vehicle
FAR	floor area ratio
GHG	greenhouse gas
HARP2	Hotspots Analysis and Reporting Program Version 2
hp	horsepower
HRA	health risk assessment
I-15	Interstate 15
I-SP	Specific Plan Industrial land use designation
ITP	Incidental Take Permit
kW	kilowatt
LEED	Leadership in Energy and Environmental Design
LOS	level of service
MDAQMD	Mojave Desert Air Quality Management District
MEIR	Maximally Exposed Individual Resident
mgd	million gallons per day
MHDEV	medium- and heavy-duty electric vehicle
MLD	most likely descendant
MM	mitigation measure
MT	metric tons
NAVISP	North Apple Valley Industrial Specific Plan
NOA	notice of availability
NOC	notice of completion
NOP	notice of preparation
NO _x	oxides of nitrogen
O/D	Origin/Destination
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning and Research
PDF	Project Design Feature
PM ₁₀	coarse particulate matter (aerodynamic diameter less than or equal to 10 microns)

Acronym/ Abbreviation	Definition
PRC	Public Resources Code
PRIMP	Paleontological Resources Impact Mitigation Program
Project	Cordova Complex and Quarry at Pawnee Warehouse Project
RTP	Regional Transportation Plan
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
TAC	toxic air contaminant
Town	Town of Apple Valley
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program

1 Introduction

This Final Environmental Impact Report (EIR) contains the public and agency comments received during the public review period for the Cordova Complex and Quarry at Pawnee Warehouse Project (Project) Draft EIR.

The EIR is an informational document intended to disclose to the Lead Agency, the Town of Apple Valley (Town), and the public the environmental consequences of approving and implementing the Project or one of the alternatives to the Project described in the Draft EIR (see Draft EIR Chapter 6, Alternatives). During the public review period, the Town received a total of six comment letters from public agencies and individuals. The Town also received two untimely comment letters after the close of the comment period. All comment letters are included in Appendix A, Public Comment Letters, of this Final EIR. All written comments received during the public review period (May 24 through July 8, 2024), and after the close of the public review period, on the Draft EIR are addressed in this Final EIR.

The responses in this Final EIR clarify, correct, and/or amplify text in the Draft EIR, as appropriate. Also included are text changes made at the initiative of the Lead Agency. These changes (summarized in Chapter 2, Changes to the Draft Environmental Impact Report) do not alter the conclusions of the Draft EIR.

1.1 Background

In accordance with the California Environmental Quality Act (CEQA), the Town released a Notice of Preparation (NOP) on September 1, 2023, for the required 30-day review period. The purpose of the NOP was to provide notification that an EIR for the Project was being prepared and to solicit guidance on the scope and content of the document. The Town held a scoping meeting to receive verbal comments on the NOP on September 13, 2023. The NOP comment period closed on October 2, 2023,¹ and the Town received a total of five comment letters. The Draft EIR was circulated for public review and comment for a period of 45 days from May 24 through July 8, 2024.

The comments and responses that make up the Final EIR, in combination with the Draft EIR, as amended by the text changes (see Chapter 2 of this Final EIR, Changes to the Draft Environmental Impact Report), constitute the EIR that will be considered for certification by the Town Planning Commission and Town Council.

1.2 California Environmental Quality Act Requirements

The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

¹ The required comment period of 30 days would have ended on a Sunday, per common practice the comment period closed on Monday, October 2, 2023, for a total of 31 days.

1.3 Use of the Final Environmental Impact Report

The Final EIR serves as the environmental document to inform the Lead Agency's consideration of approval of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090 (a) (1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations shall be supported by substantial evidence in the Lead Agency's administrative record.

1.4 Project Under Review

The Project includes the construction and operation of two concrete, tilt-up-construction, warehouse buildings, the Cordova Complex and Quarry at Pawnee. Both warehouses would operate as a high-pile storage warehouse for the storage and distribution of manufactured goods/materials with ancillary office uses. The Cordova Complex warehouse building would be 1,559,952 square feet and the Quarry at Pawnee warehouse building would be slightly smaller at 1,462,342 square feet. The Project would involve associated on-site improvements, including truck and vehicle parking, on-site stormwater detention basins, and landscaped areas. The Project would also include off-site roadway improvements, including widening and paving of roadways used to access the Project site, as well as installation of or upsizing of water and sewer lines in the immediate vicinity of the Project site. No

refrigeration would be included for cold storage. Construction would take approximately 18 months, including all on-site and off-site improvements.

A detailed Project description is contained in the Draft EIR in Chapter 3, Project Description. The environmental impact analysis is included in Chapter 4, Environmental Analysis, of the Draft EIR.

1.5 Summary of Text Changes

Chapter 2 of this Final EIR, Changes to the Draft Environmental Impact Report, identifies all changes made to the document by section. These text changes provide additional clarity in response to comments received on the Draft EIR, but do not change the significance of the conclusions presented in the Draft EIR or constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

1.6 Responses to Comments

During the public review period, the Town received six timely comment letters on the Draft EIR; two comment letters were received after the close of the public review period. Thus, the Town received eight letters in total, including from the Mojave Desert Air Quality Management District and the U.S. Fish and Wildlife Service. Four letters were received from law firms including three letters from Adams, Broadwell, Joseph & Cardozo and one letter from Blum, Collins & Ho LLP. Two comment letters were received from organizations. The letters received from Adams, Broadwell, Joseph & Cardozo on behalf of their client, Californians Allied for a Responsible Economy (CARE CA), did not raise any concerns regarding the adequacy of the Draft EIR analysis. The letters requested the Town provide all documents relied upon to prepare the Draft EIR; requested the Town provide notice for all actions and hearings related to the Project; and requested all public records related to the Project. The Town has responded to these requests in a separate correspondence. The responses to comments appear in Chapter 3, Draft Environmental Impact Report Comments and Responses, of this Final EIR. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments in Letter A are numbered A-1, A-2, A-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

1.7 Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) for the Project includes all of the mitigation measures required of the Project included in the Draft EIR, as revised in Chapter 2, Changes to the Draft Environmental Impact Report, of this Final EIR. A copy of the MMRP is included as Chapter 4, Mitigation Monitoring and Reporting Program, of this Final EIR.

If the Town chooses to approve the Project or one of the alternatives described in the Draft EIR, then the Town Planning Commission will adopt the MMRP at the same time it adopts its CEQA Findings of Fact and Statement of Overriding Considerations, as required by Section 21081.6 of the Public Resources Code.

1.8 Overview of the Public Participation and Review Process

The Town notified all responsible and trustee agencies and all known interested groups, organizations, tribes, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Completion (NOC) was filed with the State Clearinghouse on September 1, 2023, along with copies of the NOP (stating the Town's intention to prepare an EIR for the Project with the State Clearinghouse for the required 30-day public review period).
- A NOP scoping meeting for the Project was held on September 13, 2023.
- A Notice of Availability (NOA) and copies of the Draft EIR were filed with the State Clearinghouse on May 24, 2024 to start the required 45-day public review period. The Town posted a legal notice in Apple Valley News, a division of Valleywide Newspapers, on May 24, 2024, and sent an email with the NOA attached noticing interested groups, organizations, and individuals regarding the availability of the Draft EIR. A copy of the NOA was delivered to the San Bernardino County Clerk's office on May 24, 2024. The public review comment period ended on July 8, 2024.
- An electronic copy of the Draft EIR was available for review on the Town's website (<https://www.applevalley.org/services/planning-division/environmental>) and a hard copy was made available at the Apple Valley Town Hall, Planning Department, 14955 Dale Evans Parkway, Apple Valley, California 92307 and at the San Bernardino County Library, 14901 Dale Evans Parkway, Apple Valley, California 92307.

2 Changes to the Draft Environmental Impact Report

This chapter presents minor corrections, additions, and revisions made to the Draft Environmental Impact Report (EIR) initiated by the Lead Agency (Town of Apple Valley), reviewing agencies, the public, and/or consultants based on their review. New text is shown in underline and deleted text is shown in ~~striketrough~~, unless otherwise noted in the introduction preceding the text change. Text changes are presented in the section and page order in which they appear in the Draft EIR.

The changes provide clarifications, corrections, or minor revisions of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

Chapter 1, Executive Summary

p. 1-2 Correct typographical error as follows:

Tenants of the Project have not yet been identified, but Project operation is estimated to require approximately ~~1,469~~ 1,432 employees.

p. 1-37 Correct typographical error as follows:

The Project would require a temporary construction workforce, likely ranging from a dozen to several dozen workers per day, and a permanent operational workforce of an estimated ~~1,469~~ 1,432 employees.

Chapter 3, Project Description

p. 3-7 Revise text as follows:

The Project would include construction and operation of two industrial warehouse buildings and associated improvements on approximately 163 acres of vacant land (the approximately 87-acre Cordova Complex site and approximately 76-acre Quarry at Pawnee site). The Project would operate as two ~~a high-pile storage~~ warehouses for the storage and distribution of manufactured goods/materials with ancillary office uses. Both warehouse buildings would be 48-feet to the top of the roof deck, consistent with the underlying zoning and would not exceed 52 feet in height to the top of the roof parapet. Each warehouse building would include 5,000 sf of office space on the ground floor and 5,000 sf of office space on the second floor. In addition, each warehouse building would contain a break room for employees with standard amenities such as a coffee maker, microwave, and refrigerator, as well as tables and seating to enable employees to eat meals on site. The warehouses would be built as tilt-up (Type III-B) structures with concrete walls. No refrigeration would be included for cold storage.

p. 3-11 Revise PDF-DES-5 as follows:

- **PDF-DES-5: Sustainable Energy, Waste, and Water Design Measures.** The Project Applicant or successor in interest shall implement the following measures:
 - The Project's landscape plan shall emphasize drought-tolerant plants and use water-efficient irrigation techniques.
 - All heating, cooling, lighting, and appliance fixtures shall be Energy Star-rated.
 - All fixtures installed in restrooms and employee break areas shall be U.S. Environmental Protection Agency (EPA) WaterSense certified or equivalent.
 - Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.
 - Storage areas shall be provided for recyclables and green waste, as well as food waste storage if a pick-up service is available.
 - Buildings shall include high-efficiency particulate air (HEPA) filtration systems within in all warehouse facilities.
 - The roof shall provide R-30 insulation to decrease overall energy consumption and increase occupant comfort.
 - Solar-powered water heaters shall be installed on the Project site.
 - A timer system for lighting to ensure that lights shall be switched off during times of non-operation shall be installed on the Project site.

p. 3-15 Revise PDF-OP-10 as follows:

- **PDF-OP-10: Provision of Information Regarding Reducing Emissions from Area and Energy Sources.** Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding:
 - Information regarding energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs.
 - Information regarding and a recommendation to use cleaning products that are water-based or containing low quantities of volatile organic compounds.
 - Information regarding and a recommendation to use electric or alternatively fueled sweepers with HEPA filters.
 - Information regarding on-site meal options, such as food trucks, will be provided to employees.

p. 3-21 Revise the fourth bullet in the list as follows:

- **Navajo Road.** The Project would include construction of Navajo Road, starting at its intersection with Cordova Road and extending to its intersection with Johnson Road for a total length of 2,554 feet. Navajo Road would accommodate two 12-foot-wide travel lanes, consistent with the General Plan, and would serve as a secondary paved access road to the Cordova Complex site from an existing paved street for emergency vehicles to meet the requirements of the Apple Valley Fire Department.

Section 4.3, Biological Resources

pp. 4.3-49–50 Revise MM BIO-4, MM BIO-5, and MM BIO-8 as follows:

- MM BIO-4: Compliance Monitoring. During site-disturbing activities a designated biologist retained by the Project Applicant or construction contractor shall be on site daily and shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that these areas remain protected during site disturbing activities (see MM BIO-3). Additionally, the designated biologist shall take actions to limit potential increases in invasive common ravens as a result of construction activities. These actions shall include removing inactive nests of common ravens when possible, properly disposing of wildlife carcasses, including roadkill struck during construction, and reporting common raven nesting and any evidence of predation of desert tortoises to the California Department of Fish and Wildlife. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit, if required, shall be prepared by the designated biologist and provided to the California Department of Fish and Wildlife.
- MM BIO-5: Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before any ground disturbing activities. The WEAP shall consist of a presentation from a designated biologist retained by the Project Applicant or construction contractor that includes a discussion of the biology and status of protected or special-status plant and animal species including: western Joshua trees, Mohave desert tortoise, burrowing owls, LeConte's thrasher, Bendire's thrasher, loggerhead shrike, American badger, and desert kit fox. Additionally, the WEAP shall contain information regarding the negative ecological impacts of common ravens, and best practices to reduce the attractiveness of the proposed project and activities to common ravens. This shall include the importance of reducing food and water subsidies, as well as the requirement for the project to secure trash during operations of the warehouse facilities. Interpretation for non-English-speaking workers shall be provided, and the same instructions shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who shall be conducting work in the Project area.
- MM BIO-8: Mitigation for Indirect Impacts. The following measures shall be required to avoid/minimize potential indirect impacts to biological resources, including aquatic resources and special-status plant and animal species that may occur inside and outside of the Project boundary.

- Invasive, non-native plant species listed on the California Invasive Plant Council's Inventory of Invasive Plants (<https://www.cal-ipc.org/plants/inventory/>) shall not be incorporated in the landscape plans for the Project for areas within 100 feet of undeveloped areas.
- Fully covered trash receptacles that are animal-proof shall be installed and used by construction personnel to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
- Construction work areas shall be kept clean of debris, such as trash and construction materials. All construction/contractor personnel shall collect all litter and food waste from the Project site on a daily basis and dispose of such materials in covered trash receptacles. Vehicle fluids and other hazardous waste shall be disposed of in compliance with all applicable federal, state, and local agencies and regulations as described in Section 4.7, Hazards and Hazardous Materials, of this EIR.
- The amount of standing water on site shall be reduced as much as possible to limit water subsidies for invasive common ravens. Water application for dust suppression in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2 shall ensure a minimal amount of water is used to prevent standing water. Additionally, faucets for water sources used during construction activities shall be secured to prevent leaks.
- The Project Applicant shall consult with a qualified biologist prior to approval of final building permits to ensure that structures are designed in a manner than reduces the opportunities for nesting and perching by common ravens and/or anti-perching and anti-nesting devices are installed on structures.

Section 4.5, Energy

p. 4.5-12 Revise the second paragraph as follows:

The Project would comply with all applicable Title 24 code provisions, such as the solar ready building mandatory requirements and prescriptive requirements for photovoltaic systems. ~~While the Project does not propose battery storage at this time, the Project does not preclude installation of battery storage in the future if it is determined to be a feasible and compatible option.~~ The Project includes a 100-kilowatt (kW) solar system with a 50-kW battery backup for each warehouse building.

Section 4.9, Land Use and Planning

p. 4.9-7 Correct typographical error in Table 4.9-2, under the "Potential for Project to Conflict" column, Goal 1 row as follows:

Once operational, the Project would add to the Town's business tax base and would employ approximately ~~1,469~~1,432 workers, helping the Town better meet its jobs/housing balance.

- p. 4.9-8 Correct typographical error in Table 4.9-2, under the "Potential for Project to Conflict" column, Goal 5 row as follows:

Additionally, the Project would employ approximately ~~1,469~~1,432 workers, helping the Town improve its jobs/housing balance, which would shorten commute distances of Town residents who choose to work on the Project site, thereby having a direct positive effect on GHG and air pollutant emissions.

- p. 4.9-8 Correct typographical error in Table 4.9-2, under the "Potential for Project to Conflict" column, Goal 6 row as follows:

The Project would also employ approximately ~~1,469~~1,432 workers, helping the Town improve its jobs/housing balance, which would have a direct positive effect on GHG and air pollutant emissions.

- p. 4.9-18 Correct typographical error in Table 4.9-3, under the "Potential for Project to Conflict" column, Program 1.F.1 row as follows:

The Project would employ approximately ~~1,469~~1,432 workers, which would help the Town improve its balance of employment and housing opportunities and minimize VMT.

Section 4.11, Transportation

- p. 4.11-20 Under *Vehicle Miles Traveled Analysis* heading, correct typographical errors as follows:

Using an employment density factor of 2,111 square feet per employee (SCAG 2001), the Cordova Complex warehouse would support an estimated 739 employees, and the Quarry at Pawnee warehouse would support an estimated ~~730~~693 employees, for a Project total of approximately ~~1,469~~1,432 employees.

- p. 4.11-22 Revise the fourth bullet in the list as follows:

- **Navajo Road.** The Project would include construction of Navajo Road, starting at its intersection with Cordova Road and extending to its intersection with Johnson Road for a total length of 2,554 feet. Navajo Road would accommodate two 12-foot-wide travel lanes, consistent with the General Plan, and would serve as a secondary paved access road to the Cordova Complex site from an existing paved street for emergency vehicles to meet the requirements of the Apple Valley Fire Department.

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3 Draft Environmental Impact Report Comments and Responses

This chapter contains the comment letters received in response to the Draft Environmental Impact Report (EIR) for the Cordova Complex and Quarry at Pawnee Warehouse Project (Project) during the 45-day public review period. And although not required under CEQA, it also includes two comment letters received after the public review period ended. Each comment letter is numbered, each comment is bracketed, and responses are provided to each comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated Project information, or other information provided by Town of Apple Valley (Apple Valley or Town) staff, those changes are provided in Chapter 2, Changes to the Draft Environmental Impact Report, of this Final EIR.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

The California Environmental Quality Act (CEQA) Guidelines Section 15088(a) requires a lead agency to evaluate and provide written responses to comments raising significant environmental issues. Section 15204(a) provides guidance on the focus of review of EIRs as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In reviewing comments and providing responses on the following pages, Sections 15088(a) and 15204(a) of the CEQA Guidelines are considered. The focus is on providing responses to comments that raise significant environmental issues.

3.1 List of Comment Letters Received

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from May 24, 2024, through July 8, 2024. Electronic copies of the document were distributed to the State Clearinghouse. A Notice of Availability of the Draft EIR was

sent to agencies and interested parties. The Draft EIR also was available for public review on the Town’s website and at the Apple Valley Town Hall, Planning Department (14955 Dale Evans Parkway in Apple Valley). Hard copies of the Draft EIR were also available at the San Bernardino County Library.

During the public review period, the Town received six timely comment letters on the Draft EIR; two comment letters were received after the close of the public review period. One comment letter was received from a federal agency, one from a state agency, and the remaining six letters were received from the public (see Table 3-1).

Table 3-1. Comment Letters Received on the Draft Environmental Impact Report

Comment Letter	Commenter	Date
A	Mojave Desert Air Quality Management District	June 11, 2024
B	Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy (CARE CA)	June 20, 2024
C	Adams Broadwell Joseph & Cardozo on behalf of CARE CA	June 20, 2024
D	Adams Broadwell Joseph & Cardozo on behalf of CARE CA	June 20, 2024
E	Blum, Collins & Ho LLP on behalf of Golden State Environmental Justice Alliance	July 3, 2024
F	U.S. Fish and Wildlife Service	July 8, 2024
G	CARE CA*	July 10, 2024
H	Advocates for the Environment*	July 19, 2024

Note: * received after the close of the comment period.

3.2 Comments and Responses

Each comment letter is included in Appendix A, Public Comment Letters, of this Final EIR. This section includes by responses to the comments. As indicated above, Section 15088(a) of the CEQA Guidelines requires a lead agency to evaluate comments on environmental issues and provide written responses to all significant environmental issues. Therefore, the emphasis of the responses is on significant environmental issues raised by the commenters (CEQA Guidelines section 15204[a]). Changes that have been made to the Draft EIR text based on these comments and responses are provided in the Chapter 2, Changes to the Draft Environmental Impact Report, of this document.

Response to Comment Letter A

Mojave Desert Air Quality Management District
Alan J. De Salvio, Deputy APCO
June 11, 2024

- A-1 The comment provides introductory remarks and a summary of the Project description. No response is required.
- A-2 The comment states there are three existing residences near the project site and rural residences located along roadways that would be used by Project vehicles accessing the site and confirms (as provided in the Draft EIR pp. 4.2-28 through 4.2-36) Project operations would exceed air district thresholds for oxides of nitrogen (NO_x) and coarse particulate matter (PM₁₀) even with mitigation and impacts are significant and unavoidable. The Town acknowledges the comment and notes that it confirms information included in the Draft EIR and does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response can be provided or is required.
- A-3 The Mojave Desert Air Quality Management District (MDAQMD) notes they agree with the Draft EIR's finding that the Project would contribute to a significant and unavoidable cumulative impact on nearby sensitive receptors and recommends the Town require the project applicant to use all feasible mitigation measures to reduce operational emissions.

The Draft EIR analyzes whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under a federal or state ambient air quality standard under Threshold B starting on page 4.2-19. Project operations would exceed regional thresholds for emissions of NO_x and PM₁₀, primarily associated with vehicle trips, even after implementation of the Project's numerous Project Design Features (PDFs), listed in Chapter 3, Project Description starting on page 3-10. These include installing electric vehicle (EV) charging stations commensurate with Title 24, Part 11 (CALGreen) requirements in effect at the time building permits are issued plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater (PDF-DES-4). PDF-OP-2 requires haul trucks meeting CARB model year 2010 (or newer) engines be used for on-road transport of materials to and from the Project site; PDF-OP-3 requires truck idling time be restricted on site to a maximum of 3 minutes; PDF-OP-5 requires preparation of a Truck Routing Plan that provides for routes between the Project site and the State Highway System that avoids, to the greatest extent possible, passing sensitive receptors, unless otherwise superseded by a truck routing ordinance adopted by the Town; PDF-OP-6 includes a Transportation Demand Management (TDM) program to reduce employee commute vehicle emissions for tenants with more than 250 employees. There are no other known feasible mitigation measures that would reduce operational emissions to levels that would not result in health effects associated with NO_x and PM₁₀. However, the desire by the MDAQMD to further reduce emissions is acknowledged.

- A-4 The comment states the MDAQMD Rule 403 requires preparation of a Dust Control Plan to demonstrate how dust would be minimized during construction. The comment lists requirements specified in Rule 403.

The Project includes PDF-CON-5 that reiterates the requirements set forth in Rule 403 and the Draft EIR acknowledges the Project is required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust Control

for the Mojave Desert Planning Area) (Draft EIR p. 4.2-28). The Town acknowledges the comment and notes that it confirms information included in the Draft EIR and does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response can be provided or is required.

Response to Comment Letter B

Adams Broadwell Joseph & Cardozo
Sheila M. Sannadan, Legal Assistant
June 20, 2024

- B-1 This comment states that the letter is provided on behalf of Californians Allied for a Responsible Economy (CARE CA). The comment requests immediate access to all documents referenced in the Draft EIR. The comment states that the request is being made pursuant to CEQA. The comment provides a brief description of the Project. Although this comment does not raise any inadequacies of the Draft EIR or general CEQA concerns, the Town provided the requested documents to the commenter referenced during preparation of the Draft EIR on June 24, 2024.

Response to Comment Letter C

Adams Broadwell Joseph & Cardozo
Sheila M. Sannadan, Legal Assistant
June 20, 2024

- C-1 This comment states that the letter is provided on behalf of CARE CA. The comment requests immediate access to all public records related to the Project. The comment states that the request is being made pursuant to the California Public Records Act (Government Code Section 7920.000 et seq.). The comment provides a brief description of the Project. Although this comment does not raise any inadequacies of the Draft EIR or general CEQA concerns, the Town provided responses to this Public Records Act request on June 27, July 28, August 15, and August 22, 2024.

Response to Comment Letter D

Adams Broadwell Joseph & Cardozo
Sheila M. Sannadan, Legal Assistant
June 20, 2024

- D-1 This comment states that the letter is provided on behalf of CARE CA. The comment requests mailed notice of the availability of any environmental review document prepared pursuant to CEQA related to the Project. The comment states that the request is being made pursuant to the California Public Records Act (Government Code Section 7920.000 et seq.). The comment also requests mailed notice of all hearings and/or actions related to the Project. The comment states that the request is being made pursuant to Public Resources Code Sections 21092.2, 21080.4, 21083.9, 21092, 21108, 21152, and 21167(f) and Government Code Section 65092. The comment provides a brief description of the Project. The commenter was added to the distribution list for the Project to receive mailed notices of the availability of CEQA documents and hearings and/or actions related to the Project.

Response to Comment Letter E

Blum, Collins & Ho LLP

Gary Ho, Attorney

July 3, 2024

- E-1 The comment notes that the comment letter has been submitted on behalf of Golden State Environmental Justice Alliance. Additionally, the comment requests that Golden State Environmental Justice Alliance be added to the public interest list for the Project. The Town of Apple Valley has added the commenter to the public interest list for the Project and the commenter shall receive copies of environmental documents and public notices for the Project. This comment does not raise any substantive issues with the adequacy of the EIR or raise any other CEQA issues; therefore, no further response is required or provided.
- E-2 This comment summarizes the proposed Project and does not identify specific areas where the EIR is inadequate or raise any other CEQA issues; therefore, no response is required.
- E-3 This comment raises issue with the conclusions in the Draft EIR related to population and housing with regard to the labor force that would be needed to construct the Project. Specifically, the comment states that the EIR has not provided evidence that the local labor force is large enough to accommodate the Project or is qualified for or interested in jobs in the construction and/or industrial sector given the low unemployment rate cited in the EIR. The comment concludes stating the Project will need to rely on labor from the region that would increase vehicle miles traveled and emissions.

The number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely fluctuate between a few and several dozen workers on a daily basis. Based on information provided by the Project Applicant, the plan is to construct the Project using a licensed general contractor with full-time staff that are assigned to construction projects on a rotating basis, depending on the nature of the construction phase and the required worker skillsets.

Additionally, as stated in Chapter 3, Project Description, of the Draft EIR (Draft EIR p. 3-6), the High Desert/Victor Valley region has long been identified as an area having a low jobs-housing ratio (i.e., an area that has more potential workers living in a community than there are jobs for them),¹ resulting in high numbers of residents commuting out of the region for work. Recognizing these trends, community leaders and officials have long sought to stimulate economic development within the High Desert region and provide residents with local employment opportunities. One strategy that community leaders and planners have used is to attract development of warehousing and distribution centers, which can provide hundreds of jobs per million square feet of development. As such, the Project would help meet the needs of the growing logistics sector while producing new construction and operational jobs in a region that is typically viewed as housing rich and jobs poor.

Lastly, as described in the Draft EIR's VMT analysis (Draft EIR pp. 4.11-19 through 4.11-22), Project-generated VMT was estimated for both baseline (2016) and horizon-year (2040) scenarios using the SBTAM model. The analysis found that in both the baseline and horizon-year scenarios, the VMT-per-

¹ A jobs-housing ratio is a commonly used economic metric used to determine whether or not a community or region provides a sufficient number of jobs for its residents. The metric is calculated by finding the relationship between where people work ("jobs") and where they live ("housing"). As of 2021, the Town had a jobs/housing ratio of 1.07, which is below regional targets ranging from 1.25-1.50 (SCAG 2021; APA 2003).

service-population metric for the Project is less than the Apple Valley General Plan buildout significance threshold (see Draft EIR Table 4.11-2 on p. 4.11-21). The SBTAM model was also used to estimate the VMT on all roadways within the Town limits for the baseline and horizon-year scenarios with and without the Project. Draft EIR Table 4.11-3 starting on page 4.11-21 shows that the VMT-per-service-population metric under the “with Project” conditions compared to the metric under the “without Project” conditions in both scenarios would not increase and therefore does not meet the Town’s significance threshold. This is due to employment opportunities generated within the Town that were not there before implementation of the Project. The proposed Project captures employment that previously went outside of the Town to nearby cities such as Victorville or Barstow. Given the foregoing, the Draft EIR found that Project impacts related to VMT would be less than significant.

- E-4 The comment states that the EIR and initial study (IS) are inconsistent regarding their calculations of the quantity of employees that would be generated by the Project. During preparation of the Draft EIR, the estimated number of employees that would be generated by the Project was further refined and is based on the VMT analysis methodology employed in the Traffic Impact Analysis reports prepared for the Project by David Evans and Associates, Inc.

The Southern California Association of Governments (SCAG) Employee Density Report (SCAG 2001) calculates employees per square foot of building space using two different methods: (1) based on median employees per acre and floor area ratio (FAR), and (2) based on the weighted average employees per acre and FAR. Neither method is better or preferred but the average method results in higher employee density than the median method.

Additional factors were considered in selecting the conversion factor based on median data. First, the current high-cube warehouse designs are highly automated facilities and do not require as many employees to operate as traditional warehousing. The current level of automation is not reflected in the Institute of Transportation Engineers (ITE) trip generation data. The data in ITE’s warehousing trip generation database was collected between 1989 and 2015 so the newest warehouse trip data used in the 11th Edition of Trip Generation is almost a decade old.

The second factor considered in selecting the method of converting floor area to employees is the FAR of the proposed warehouse so that the data used to estimate employees represents site data that best matches the proposed project. The average FAR used in developing the weighted average conversion factor in the SCAG Employment Density Study is 0.23 which represents development occupying less than a quarter of the site with much of the remaining land used for parking. The median FAR used in developing the median-based conversion factor used in the Traffic Impact Analysis is 0.35 which more closely represents the project’s actual FAR of 0.41 (Cordova Complex site) and 0.44 (Quarry at Pawnee site).

- E-5 The comment states that the Project would represent a significant amount of employment growth assuming the Project would add 2,529 employees and requests the EIR include a cumulative analysis to determine if the Project would exceed growth forecasts.

As discussed in Chapter 3, Project Description, of the Draft EIR, for purposes of analyses, employment estimates were calculated using median employment density factors reported by the Southern California Association of Governments. The SCAG reports that for every 2,111 square feet of warehouse space in San Bernardino County, the median number of jobs supported is one employee (SCAG 2001). The Project would include a total of 3,022,294 square feet of industrial/warehouse space. Therefore, the estimated number

of employees required for Project operation would be approximately 1,432. Also see Response to Comment E-4 regarding the number of employees assumed for Project operation.

According to data from the U.S. Census Bureau, the population of the Town was approximately 75,867 residents as of July 1, 2022 (U.S. Census Bureau 2022). According to the Town's General Plan, the Town could support a population of 185,858 residents (Town of Apple Valley 2009a). The Project-related increase of approximately 1,432 employees would represent a nominal percentage of the Town's projected future population (less than 1%) upon General Plan buildout, even under the most conservative scenario assuming that all future employees will have relocated to the Town as a result of the Project from outside of the Town, and that no future employees are already residents of the Town.

Cumulative projects are properly included in Table 4-1 of the Draft EIR (see Draft EIR p. 4-4) and accounted for throughout the analyses in the Draft EIR. As explained on page 4-3, "[t]he cumulative impacts analysis in this EIR uses a combined "list" and "projections" method, pursuant to CEQA Guidelines Section 15130(b)(1). The list incorporates available information about existing and reasonably foreseeable development in the vicinity of the Project site, including implementation of the North Apple Valley Industrial Specific Plan." Future buildout through 2040 is assumed for the purposes of evaluating the Project's cumulative contribution. All previously constructed projects within the Town are considered part of the environmental baseline and have therefore been accounted for as part of the existing conditions for purposes of population and housing impacts. Therefore, no further analysis is required.

E-6 The commenter expresses concern that detailed plans were not provided as part of the Draft EIR and states that there is no way for the public to verify information concerning grading plans and proposed earthwork quantities.

The Draft EIR included an appropriate level of detail based on then-available data and plans. As provided by CEQA Guidelines Section 15124, an EIR must only provide a "general description of the project's technical, economic, and environmental characteristics." As long as the requirements set forth in CEQA Guidelines Section 15124 are met, the Project Description may allow for the flexibility needed to respond to changing conditions that could impact the Project's final design. Information on the content of the site plan, floor plan and grading plans is provided within the Project Description of the Draft EIR in compliance with CEQA. (See *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 333 [holding that design renderings were not required to be included as part of EIR for purposes of providing an adequate project description]). The Draft EIR evaluates direct and indirect environmental impacts associated with the Project footprint or area of disturbance in addition to impacts attributed to future Project construction and operation. Details relevant to understand potential impacts are identified in Chapter 3, Project Description, including site plans, building heights, landscaping, lighting, building materials, and construction assumptions provided by the Project Applicant. All plans are available at the Town of Apple Valley for public review. The Town staff will verify all Project details (i.e., earthwork quantities, floor area ratio and compliance with development standards) as part of the plan check process prior to issuing any development permits. The comment does not provide any substantial evidence concerning the adequacy of the analysis. Therefore, no further response is required.

E-7 The comment refers to an attachment with comments from SWAPE. See Responses to Comments E-29 through E-35.

- E-8 The comment states that the EIR does not include meaningful analysis of relevant environmental justice issues in evaluating potential air quality impacts, including cumulative impacts. The comment states this is particularly important due to the Project site's location in an area that is burdened by existing levels of air pollution, as indicated by CalEnviroScreen.

Neither the Town, the MDAQMD, nor the CEQA Guidelines include thresholds that consider environmental justice such as the CalEnviroScreen results, but rather account for the potential health effects of a project with project-level thresholds. There is currently no air quality guidance or thresholds to analyze areas with higher pollution levels differently from areas with lower pollution. While CalEnviroScreen is a useful tool in assessing a community's risk, it is not an appropriate tool for evaluating a project's impact on the environment as required under CEQA. To evaluate the potential for the Project to create a health risk, construction and operation health risk assessments were prepared for the Project and incorporated into the EIR (as described in Section 4.2 of the Draft EIR). As discussed in the Draft EIR, Project operation would result in exceedances of criteria air pollutant thresholds for emissions of NO_x and PM₁₀ primarily associated with mobile source vehicles, even after implementation of PDFs (Draft EIR pp. 3-10 to 3-15; p. 4.2-31; Table 4.2-9). No feasible mitigation measures exist that would reduce the impact to a less-than-significant level; therefore, the Draft EIR concluded that impacts related to a cumulative considerable net increase of criteria pollutants would be significant and unavoidable. In addition, because operation of the Project would result in exceedances of MDAQMD significance thresholds for NO_x and PM₁₀, and no additional feasible mitigation measures or PDFs beyond those already identified exist that would reduce these emissions to levels that are less than significant, the potential health effects associated with these criteria air pollutants were conservatively considered significant and unavoidable (Draft EIR pp. 4.2-35 to 4.2-36). However, as also discussed within the Draft EIR, the effects of this exceedance would occur on a regional scale, and CEQA does not currently treat this impact in a different manner depending on the socioeconomic characteristics of the community. Nonetheless, it is also important to note that the Project's incremental increase in potential cancer and non-cancer health risk impacts with regard to sensitive receptors in the vicinity of the Project and haul routes was determined to be less than significant. This comment is noted and forwarded to the decision-makers for their consideration; however, the comment does not provide any substantial evidence concerning the adequacy of the analysis and no further response is required.

- E-9 The comment states that the Project is located in a census tract that has a high percentage of solid waste facilities that can expose people to hazardous chemicals. These existing sources of potential pollutants are not related to the Project. As discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR, a Phase I Environmental Site Assessment was completed for the Project and did not identify the Project site as being listed on any government databases (i.e., HAZNET, Historic Cortese List, State/Tribal Voluntary Cleanup Sites, etc.) pertaining to the storage and disposal of petroleum products and presence of existing hazardous materials/hazardous waste that could pose a risk to off-site residences. The Project also does not include residential uses where people typically spend more time. See Response to Comment E-8 for further details regarding environmental justice and the Project's CEQA analysis.

- E-10 The comment states that the Project census tract community is diverse and includes 22% Hispanic, 10% African American, and 2% Asian American residents, and has a high rate of poverty, making the community especially vulnerable to the impacts of pollution. See Response to Comment E-8 for further details regarding environmental justice and the Project's CEQA analysis. The comment does not identify specific areas where the EIR is inadequate or raise any other CEQA issues; therefore, no further response is required.

E-11 The comment states that there are three state-approved compliance modeling software programs for non-residential building to show compliance with Title 24, and that the California Emissions Estimator Model (CalEEMod) is not listed as approved software. Of importance, the Project would be required to comply with Title 24 by law and the CalEEMod modeling is not intended to demonstrate compliance with Title 24, but rather, to provide a reasonable estimate of potential energy demand (including petroleum, which the compliance modeling software mentioned in the comment does not include) for public disclosure and informational purposes under CEQA. Compliance with Title 24 requires the use of approved software programs as listed by the commenter as these programs are designed to ensure buildings meet specific energy efficiency criteria. This is not the purpose of an EIR. Rather, an EIR is intended to provide environmental impact analysis and CalEEMod is specifically tailored for this purpose. Title 24 compliance software, on the other hand, focuses on building energy efficiency and does not provide the comprehensive environmental impact analysis required for an EIR. In summary, while Title 24 compliance software ensures buildings meet energy efficiency standards, CalEEMod is used for assessing broader environmental impacts, making it suitable for EIRs.

The comment also states that the CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards, and under-reports energy impacts, but the comment does not provide evidence of this statement. In fact, CalEEMod 2022.1 bases the default energy use from nonresidential land uses on 2019 consumption estimates from the California Energy Commission's 2018-2030 Uncalibrated Commercial Sector Forecast (Commercial Forecast) and the energy use estimates are based on existing buildings and are not representative of those constructed in compliance with energy efficiency requirements of the latest Title 24 Building Energy Efficiency Standards. Therefore, the default energy consumption estimates provided in CalEEMod are very conservative, overestimating expected energy use compared to what would be expected for new buildings subject to the latest Energy Code with more stringent energy efficiency measures. Thus, the estimated electricity demand for the Project likely over-reported (rather than under reported) energy impacts and provided a conservative analysis.

Overall, the commenter has not provided any substantial evidence to demonstrate that the use of CalEEMod to estimate energy demand is either inappropriate or inaccurate. Therefore, no revisions are required, and no further response is necessary.

E-12 The comment expresses a concern that the EIR did not include a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect and lists several policies from the Town's Climate Action Plan and General Plan that are believed to be applicable to the Project.

The Draft EIR did include a consistency analysis with applicable General Plan policies within Section 4.9, Land Use and Planning under Section 4.9.4 (Draft EIR pp. 4.9-7 through 4.9-25). The EIR did not include a consistency analysis for each and every goal, policy, and implementation policy of the General Plan because many of the goals and policies in the General Plan are Town-level planning efforts that are not applicable to the Project and would not be the responsibility of the Project Applicant to implement. For example, all Air Quality Element Programs/Policies and the Circulation Element Program (Circulation Element Program 1.A.4) cited by the commenter are the responsibility of the Town to implement. Measure ND-6 of the Town's Climate Action Plan (related to employee housing) likewise reflects a broader planning goal when taken in context with ND-1 to ND-5 and is not the responsibility of any individual project applicant or project. However, each of the policies and programs mentioned by commenter are discussed below:

Climate Action Plan

1. ND-6: This measure discusses developing employee housing within one mile of an industrial project within the North Apple Valley Industrial Specific Plan. This is a broad planning policy that is generally applicable to reduce vehicular miles traveled by employees to such projects. The Applicant does not own any property suitable for residential development and any residential development would likely be initiated by third-party developers or the Town in the future as demand allows. Therefore, the Project would not conflict with this measure.
2. ND-7: This is a policy to preserve trees on site as part of development. The Project would require the removal of 14 western Joshua tree individuals, as described in Draft EIR Section 4.3, Biological Resources. Based on the Western Joshua Tree Conservation Act (WJTCA), Fish and Game Code section 1927.3 requires the Project Applicant to mitigate by paying the statutorily prescribed fees. As required by MM BIO-1 (Conservation of Western Joshua Trees), mitigation for direct impacts to 14 individuals would be fulfilled through payment through the WJTCA. Additionally, as required by MM BIO-2 (Conservation of Desert Native Plants) and in accordance with Chapter 9.76 of the Apple Valley Municipal Code, the preparation of a western Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project. Therefore, the Project would not conflict with this measure.
3. ND-10: This measure relates to installing bus stops and securing scheduled transit service from the Victor Valley Transit Authority. Development of public transportation facilities and service is inherently dependent on the demand for such services. Such development is the Town's responsibility, not the responsibility of an individual development project located in an area that is generally undeveloped and does not generate enough demand for transit. Therefore, the Project would not conflict with this measure.
4. ND-14: This measure encourages the use of passive solar design. The Project is designed to be energy efficient and take advantage of the desert climate. As noted on page 3-10 in Chapter 3, Project Description, the "warehouse buildings would include a 100-kilowatt (kW) solar system with a 50-kW battery backup. The Project would also be designed to achieve Leadership in Energy and Environmental Design (LEED) Silver certification." Therefore, the Project would not conflict with this measure.

General Plan

5. Air Quality Element Program 1.A.1: This program requires the Town to adhere to existing and future greenhouse gas (GHG) rules, regulations, and requirements to monitor and reduce emissions. The Project would comply with all applicable regulations related to GHG emissions as required by law, including Title 24 energy efficiency requirements. The Project also includes PDFs that would support reducing GHGs through the transportation sector. Chapter 3, Project Description lists all the PDFs starting on page 3-10. Specifically, implementation of PDF-DES-3 requires electrical infrastructure and conduit to accommodate required and future EV charging stations, and PDF-DES-4 requires installation of Level 2 (or faster) EV chargers. In addition, PDF-OP-2, PDF-OP-3, PDF-OP-4, PDF-OP-6, and PDF-OP-9 require cleaner trucks, anti-idling restrictions, and the establishment of transportation demand management programs for occupants with more than 250 employees to reduce employee commute vehicle emissions. Finally, although the requirement for all cargo handling and landscaping equipment to be zero-emission would not specifically be in the transportation sector, this aspect of PDF-OP-1 would also substantially reduce GHG emissions. The

- Project would require measures that support energy efficiency, as specified in PDF-DES-1, PDF-DES-5, and PDF-OP-10. These would include, but not limited to, building design to achieve LEED Silver, the installation of Energy Star-rated heating, cooling, lighting, and appliances, and provision of information to tenants regarding energy efficiency and related incentive programs. In addition, although not specifically focused on energy efficiency, PDF-DES-5 requires the water efficient landscaping and low-flow indoor fixtures to reduce outdoor and indoor water usage when compared to baseline water demand. As water conveyance and treatment generates GHGs indirectly due to the electricity involved in the process, reducing water demand would also reduce the amount of electricity required. PDF-DES-5 requires waste diversion to reduce the amount of waste disposed at landfills through the provision of storage areas for recyclables, green waste, and food waste. Therefore, the Project would not conflict with this program.
6. Air Quality Element Policy 1.B. This policy requires the Town to regulate local pollutant emitters and decrease major regional pollutants, particularly PM₁₀ and ozone associated with diesel-fueled equipment and motor vehicles. As described in Draft EIR Section 4.6, Greenhouse Gas Emissions, the Project would result in a significant and unavoidable impact from emissions of GHGs, the vast majority of which would consist of mobile source emissions (vehicular and truck) that the Project has minimal ability to lessen. The Project would be compliant with Title 24 energy efficiency requirements, as noted above. The Project also includes many PDFs that apply to mobile sources (PDF-DES-3, PDF-DES-4, PDF-DES-6, PDF-OP-2, PDF-OP-3, PDF-OP-4, PDF-OP-5, PDF-OP-6, and PDF-OP-9), though quantitative reductions from these mobile source PDFs cannot be determined at this time and neither the Project Applicant nor the Town can substantively or materially affect reductions in the Project's on-road mobile source emissions beyond what is already required by regulation. The Draft EIR includes implementation of MM GHG-1 which requires that electricity for the Project be procured through the Apple Valley Choice Energy 100% Renewable Energy Plan, which requires future Project tenants to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy as part of the entitlement agreement (lease) to help reduce long-term GHG emissions. Therefore, the Project would not conflict with this policy.
 7. Circulation Element Program 1.A.4: The Town's goal for roadway intersection performance is to maintain Level of Service (LOS) D at all intersections during both the morning and evening peak hours. Pursuant to Senate Bill (SB) 743, agencies analyzing the transportation impacts of projects under CEQA must use VMT (actual auto travel or additional miles driven) instead of LOS (auto delay). In accordance with SB 743, the Town adopted Resolution No 2021-08 (May 11, 2021), requiring that VMT replace LOS, and other similar measures for determining significant impacts under CEQA. The Project would include off-site roadway improvements as required by the Town as conditions of approval to minimize impacts of increased traffic on the existing road system. The Project would also participate in the Town's Development Impact Fee program, which helps fund transportation-related improvement projects that meet the goals of the General Plan Circulation Element. Therefore, the Project would not conflict with this Program.

The goal of the consistency analysis is to provide the reader with a general overview of whether the Project is in harmony with the overall intent of the applicable goals and policies with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. It is within the Town's purview to decide if the project is consistent or inconsistent with applicable goals or policies. The thresholds used to determine the significance of a Project's land use impacts (per Appendix G of the CEQA Guidelines) ask whether a project would "Cause a significant environmental impact due to a conflict with any *applicable*

land use plan, policy, or regulation adopted *for the purpose of avoiding or mitigating an environmental effect*" (emphasis added). Therefore, the Draft EIR included an analysis of the Project's consistency with each of the applicable General Plan goals and policies that have been adopted by the Town to avoid or mitigate environmental effects of new development projects. The Draft EIR has evaluated the Project's consistency with all applicable land use plans and policies and no revisions are necessary.

- E-13 The comment states that the EIR erroneously concludes that the Project would not conflict with Air Quality Element Policy 1.D and Air Quality Element Program 1.D.1 because the EIR does not include mitigation measures that would reduce impacts related to emissions to less-than-significant levels.

In accordance with the Town's General Plan Air Quality Element Policy 1.D and Program 1.D.1, the Town required the preparation of an EIR to analyze the Project's potential impacts on local and regional air quality. The Draft EIR evaluates and quantifies air quality impacts of the Project in Section 4.2, Air Quality. The Project includes all feasible mitigation measures and PDFs to reduce impacts to below significance thresholds; however, for some impacts, this is not possible. The lead agency (i.e., the Town) will decide if the benefits of the Project outweigh the impacts. If the lead agency decides to approve a Project that has significant and unavoidable impacts, a Statement of Overriding Considerations will be prepared pursuant to CEQA that explains why the lead agency believes the benefits of the Project outweigh its impacts.

- E-14 The comment states that the EIR omits discussion of the Project's consistency with other land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Specifically, the comment references inconsistencies with statewide GHG reduction goals due to the Project's significant and unavoidable GHG impact. See Response to Comment E-12 regarding consistency with land use plans, policies, and regulations.

The Project's consistency with statewide GHG reduction goals is discussed in Draft EIR Section 4.6, Greenhouse Gas Emissions. Specifically, Impact Threshold B includes a discussion of the Project's potential to conflict with state reduction targets and the California Air Resources Board's (CARB's) 2017 (SB 32) and 2022 (Assembly Bill 1279) Scoping Plans on pages 4.6-26 through 4.6-31, and in Tables 4.6-7 and 4.6-8 of the Draft EIR. The analysis in the Draft EIR concluded that overall, the Project would comply with all regulations adopted in furtherance of the Scoping Plan to the extent applicable and required by law. As demonstrated in the Draft EIR, the Project would not conflict with CARB's 2017 or 2022 Scoping Plan updates and with the state's ability to achieve the 2030 and 2045 GHG reduction and carbon neutrality goals.

The comment also states that the Project would be inconsistent with SB 743 due to a significant and unavoidable VMT impact. The comment is incorrect that the Project would have a significant and unavoidable VMT impact. As described in Draft EIR Section 4.11, Transportation, the Project's VMT per service population would be less than the VMT per service population representing buildout of the Town's General Plan, which is below the Town's adopted significance thresholds for Project-generated VMT (see Draft EIR Table 4.11-2 on p. 4.11-21). Town-wide VMT per service population would not increase with implementation of the Project, which is below the Town's adopted significance thresholds for a project's effect on Town-wide VMT (see Draft EIR Table 4.11-3 on p. 4.11-21). The Project would have a less-than-significant impact on VMT.

Additionally, the comment states that the EIR must be revised to include significant and unavoidable cumulatively considerable impacts related to GHG emissions and VMT. These significant and unavoidable

cumulatively considerable GHG impacts are correctly acknowledged within Draft EIR Section 4.6, Greenhouse Gas Emissions (see Draft EIR p. 4.6-33). Global climate change is inherently a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. There are currently no established thresholds for assessing whether the GHG emissions of a project would be considered a cumulatively considerable contribution to global climate change; however, all reasonable efforts should be made to minimize a project's contribution to global climate change. The Draft EIR relies on the South Coast Air Quality Management District's (SCAQMD's) threshold of 3,000 MT CO_{2e} (metric tons of carbon dioxide equivalent) per year to evaluate GHG impacts. As indicated in the Draft EIR (see Draft EIR p. 4.6-38) the Project, in combination with past, present, and reasonably foreseeable future development, would generate GHG emissions that could have a significant cumulative impact on the environment.

As explained in Draft EIR Section 4.11, Transportation, the Project's cumulative VMT impact would be less than significant, as the Project's VMT per service population in the horizon-year scenario is less than the Town's General Plan buildout significance threshold (see Draft EIR Table 4.11-2 on p. 4.11-21). Likewise, the VMT per service population under the "with Project" conditions compared to the metric under the "without Project" conditions in the horizon-year scenario would not increase and therefore would not meet the Town's threshold for a significant impact. Thus, the Project would result in less-than-significant cumulative impact on VMT. No further analysis is necessary.

E-15 The comment expresses concern that the assessment of fees, with regard to LOS deficiencies identified in the Focused Traffic Impact Analysis Reports (TIA) prepared for the Project (see Appendix C of the Draft EIR) at Dale Evans Parkway/Johnson Road, Stoddard Wells Road/Johnson Road, Stoddard Wells Road/I-15 Northbound Ramps, and Dale Evans Parkway/Cordova Road, is not adequate as there is no evidence mitigation will actually occur since some of these intersections are under the jurisdiction of the County of San Bernardino and California Department of Transportation (Caltrans).

The Draft EIR did not identify any significant transportation-related impacts requiring mitigation. Pursuant to SB 743 and CEQA Guidelines Section 15064.3, congestion-based LOS effects may no longer be used to evaluate a Project's transportation impact. Accordingly, the Draft EIR relies on VMT as the basis for evaluating transportation impacts under CEQA. Under SB 743, local agencies were allowed to retain their congestion-based LOS standards in general plans and for project planning purposes. The TIA was not prepared solely for the purposes of environmental review under CEQA (although portions of the reports were used to assist in the environmental review of the Project). Rather, the TIA was also prepared to evaluate congestion-based LOS effects as required by the Town's Development Title standards. Off-site roadway improvements recommended in the reports have been made part of the Town's conditions of approval for the Project and therefore would be required to be implemented as part of the Project.

The comment also states that the EIR must be revised and recirculated to include the LOS analysis as cumulatively considerable significant land use impact as the project conflicts with Transportation Impact Thresholds A and E and Land Use and Planning Impact Thresholds B and C because it is not consistent with the following General Plan policy:

1. Circulation Element Program 1.A.4: The Town shall require that all intersections maintain a Level of Service D during both the morning and evening peak hour.

Pursuant to the Town of Apple Valley General Plan EIR (Town of Apple Valley 2009b) Mitigation Measure No. 1, it is the responsibility of the Town (not an individual project applicant) to “establish and maintain a master plan of roadways... [which]... shall ensure that roadway segments and intersections generally operate at level[sic] of Service C or better, wherever feasible, and that all intersections maintain a Level of Service D or better during both morning and evening peak hours.” Likewise, the Town is required to “review traffic volumes resulting from General Plan build out to coordinate, program and if necessary, revise road improvements. This review shall take place every five years.” (General Plan EIR Mitigation Measure No. 17). The General Plan EIR included Mitigation Measure No. 18, which states that “all new development shall be required to pay a “fair share” of improvements to surrounding roadways, bridges and signals that are impacted by and are located within and surrounding the development project.”

The Project would pay its fair share towards the cost of improvements for the identified intersections consistent with the General Plan/General Plan EIR Mitigation Measure No. 18; therefore, no significant land use impact would occur. The Town has determined that the TIA meets the requirements of the Town’s Development Title, and the Project’s transportation-related impacts (i.e., those that require analysis under CEQA) have been adequately evaluated in the Draft EIR. Therefore, the Town has determined that no further transportation-related analysis is necessary and the Draft EIR is adequate as provided.

- E-16 This comment identifies the buildout square footage of the North Apple Valley Industrial Specific Plan (NAVISP), lists site building coverage of other projects in the NAVISP, and states that the Project has not demonstrated that it is within the buildout scenario of the NAVISP.

The Draft EIR is a project-level environmental document that serves to analyze the environmental impacts associated with development of the Project which may exceed or differ from what was analyzed in the 2006 EIR prepared for the NAVISP (as amended in 2007 and 2011). The NAVISP includes a maximum building site coverage of 45% for the Industrial-Specific Plan (I-SP) Land Use District which includes the Project site (NAVISP Table III-2). The Project’s site coverage is 41.2% for the Cordova Complex site and 44.2% for the Quarry at Pawnee site which is less than 45% and is therefore in compliance with the NAVISP. The 22% building coverage referenced by the commenter is contained as a footnote to Table II-2 of the NAVISP and does not constitute a limitation or requirement. Cumulative projects provided by Town staff are provided in Table 4-1 on page 4-4 of the Draft EIR and accounted for throughout the analysis of the Draft EIR. All previously constructed projects (i.e., completed prior to issuance of the NOP for the Draft EIR) within the NAVISP are considered part of the environmental baseline and have therefore been accounted for as part of the existing conditions. Therefore, the analysis in the EIR is adequate and nothing further is required.

- E-17 The comment states that the Project is not within the General Plan buildout scenario, including all development constructed since approval of the General Plan, approved projects not yet constructed, and “projects in the pipeline.”

As described in Response to Comment E-16 above, the Draft EIR is a project-level environmental document that serves to analyze environmental impacts associated with the Project that may exceed or differ from what was analyzed in the 2009 EIR prepared for the Town’s General Plan. Development assumptions and scenarios presented in the General Plan and General Plan EIR do not serve as a “cap” on permissible building square footage buildout within the Town. Cumulative projects are properly included in Table 4-1 of the Draft EIR provided on page 4-4 and accounted for throughout the analysis of the Draft EIR. All previously constructed projects (i.e., completed prior to issuance of the NOP for the Draft EIR) within the purview of the General Plan are considered part of the environmental baseline and have therefore been accounted

for as part of the existing conditions. Therefore, the analysis in the EIR is adequate and nothing further is required.

- E-18 The comment expresses a concern that the Project is inconsistent with the SCAG 2020-2045 RTP/SCS due to errors in the modeling done for the EIR and significant and unavoidable air quality and GHG impacts. Specifically, the comment states that the Project is inconsistent with Goal 5 to reduce GHG emissions and improve air quality, Goal 6 to support and healthy and equitable communities, and Goal 7 to adapt to a changing climate.

Consistency with the SCAG 2020-2045 RTP/SCS was included within Draft EIR Section 4.6, Greenhouse Gas Emissions, and Section 4.9, Land Use and Planning. Table 4.9-2 of the Land Use and Planning section of the Draft EIR (Draft EIR pp. 4.9-7 through 4.9-9) specifically discusses the Project's potential to conflict with Goals 5, 6, and 7 on pages 4.9-8 and 4.9-9. The analysis provided within Section 4.6 and Section 4.9 of the Draft EIR remains accurate. Table 4.9-2 acknowledges that the "Project would involve development of an industrial use that would inherently involve emissions of GHGs, criteria air pollutants, and other contaminants" but nonetheless analyzes the Project's furtherance of the broader goals of the RTP/SCS, such as reducing commute distances and providing efficient goods movement in the region. Additional consistency analysis with the SCAG 2020-2045 RTP/SCS relative to GHG emissions is also provided in Draft EIR Section 4.6, Greenhouse Gas Emissions (see Draft EIR pp. 4.6-32 to 4.6-33), which determined that the Project would be consistent with the SCAG 2020-2045 RTP/SCS with implementation of MM GHG-1 (Renewable Energy Plan). The analysis in the Draft EIR is adequate and nothing further is required.

- E-19 The comment describes intersection improvements included in the Project, and states that any improvements recommended, or fees paid to mitigate impacts for County of San Bernardino or Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by County of San Bernardino or Caltrans has not been provided. See to Response to Comment E-15.

- E-20 The comment states that the Draft EIR underreported the number of VMT generated by Project operations (truck, delivery vehicles) and that the Project's actual VMT generated is not consistent with the significance threshold and legislative intent of SB 743 to reduce GHG emissions by reducing VMT. The comment requests VMT of all trucks and delivery vehicles be included in the Project's VMT assessment.

Consistent with the Town's VMT Guidelines, the Project's Origin/Destination (O/D) VMT per service population was used to evaluate the Project's potential impact on VMT. Per the Town's Guidelines, the O/D methodology is used at the project level because it provides a more complete capture of all travel (car and truck trips) within the study area, including trips that may begin or end outside of the study area. The O/D method accounts for external truck trips and therefore provides a more complete estimate of all VMT within the study area. The project-level VMT analysis was conducted consistent with the Town policy; therefore, no further analysis is required.

Section 15064.3, subdivision (a), of the CEQA Guidelines also states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of *automobile travel* attributable to a project." Additionally, the Governor's Office of Planning and Research (OPR) issued a Technical Advisory (TA) (OPR 2018) that provides additional technical details on calculating VMT and assessing transportation impacts for various types of projects. The OPR Technical Advisory states that "automobile" refers to on-road

passenger vehicles, specifically cars and light trucks. It does not include heavy-duty trucks, semi-trailers, construction equipment, or other commercial-type vehicles, and does not require heavy-duty truck VMT to be calculated.

The San Bernardino County Transportation Authority's travel demand model forecasts automobile and heavy truck traffic separately. Consistent with state guidance, the VMT analysis only includes automobiles and light trucks. The transportation analysis of VMT measures vehicular impact (or mobile sources) on air quality and CO₂e emissions. Since heavy trucks are included in the air quality and GHG emissions CEQA analyses, inclusion of heavy trucks in the VMT analysis would double count the impact of trucks.

- E-21 The comment states that the EIR has not adequately analyzed the Project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the Project's potential to result in inadequate emergency access. The comment notes that there are no exhibits adequately depicting the turning radius available for trucks/trailers maneuvering on site and at the intersection of Project driveways and adjacent streets. The comment further notes that the driveway providing access to the truck/trailer parking stalls on the Cordova Complex site is only 30 feet wide.

The Project's potential to substantially increase hazards due to a geometric design feature is analyzed in the Draft EIR in within Section 4.11, Transportation, under Threshold C (see Draft EIR pp. 4.11-22 to 4.11-23). This analysis determined there were no hazardous design features that would occur as part of the Project's roadway improvements or site access. Appendix B of the Final EIR, On-Site Truck Turning Templates, shows truck inbound and outbound paths within the internal drive aisles and other areas within the Project site accessed by trucks that supports the analysis and conclusions within the Draft EIR. As shown, the turning access from adjacent roads into Project driveways and internal drive aisles would accommodate the wide turning radius of trucks as currently designed. The passenger vehicles spaces are not located within the truck/trailer path of travel.

- E-22 The comment states that language in the EIR which states that roadway improvements would continue to be developed in coordination with the Town through design review, and that the site plan would be subject to plan review by the Town's Fire Department to ensure proper access for fire and emergency response is provided and required fire suppression features are included, is deferred mitigation.

Town planning staff including fire and police department staff, and engineering staff review project site plans when they are submitted to ensure proposed development is compliant with zoning and building requirements and that there are no major design issues. It is one of the first steps in the review process but is not final approval of the project or site plan. If the Project is approved the process is for preparation of a detailed engineering plan that would be submitted to the Town for final review during the construction permitting phase. As explained on page 4.11-23 of the Draft EIR, "it was noted that the Apple Valley Fire Department would require a secondary paved access road to the Project site, specifically to serve the Cordova Complex from an existing paved street. As part of the proposed roadway improvements, Navajo Road would be extended to Johnson Road and would accommodate two 12-foot-wide travel lanes, consistent with the General Plan. Therefore, the road extension would serve as a secondary access road for emergency vehicles and meet the requirements of the Fire Department." The Draft EIR did not identify impacts due to inadequate emergency access; therefore, no mitigation was required.

E-23 The comment states that the EIR uses erroneous modeling to evaluate the Project's energy usage and impacts to air quality and GHGs because the software used was not Title 24 modeling software and requests the EIR be revised to include a finding of significance. See Response to Comment E-11.

E-24 The comment states that the EIR does not provide a meaningful discussion or analysis of significant and unavoidable cumulatively considerable air quality and GHG impacts, significant and irreversible environmental changes, and commitment of resources, and the Project is not consistent with regional and local growth forecasts. Regarding consistency with growth forecasts, see Responses to Comments E-16 and E-17. See Response to Comment E-14 for concerns regarding cumulative GHG impacts. Discussion of cumulative air quality impacts is included in the Draft EIR (Draft EIR pp. 4.2-38 to 4.2-39).

Draft EIR Chapter 5, Other CEQA Considerations, includes a discussion of significant and unavoidable impacts and significant irreversible environmental changes, including land use change that commits future generations to similar uses, irreversible damage from environmental accidents, and commitment of nonrenewable resources.

Cumulative projects are properly included in Table 4-1 of the Draft EIR (see Draft EIR p. 4-4) and accounted for throughout the analyses in the Draft EIR. As explained on page 4-3, "[t]he cumulative impacts analysis in this EIR uses a combined "list" and "projections" method, pursuant to CEQA Guidelines Section 15130(b)(1). The list incorporates available information about existing and reasonably foreseeable development in the vicinity of the Project site, including implementation of the North Apple Valley Industrial Specific Plan." While the comment states that the discussion in the EIR is not meaningful, the comment does not raise a specific issue with the adequacy of the analysis. Therefore, no further response can be provided or is required.

E-25 The comment states that the Project represents a significant amount of building area growth in the Town and the EIR does not meaningfully discuss or analyze the Project's compliance with the General Plan's land use buildout scenario and cumulative development. See Response to Comment E-16.

E-26 The comment states that the EIR has not demonstrated that the Project is within the General Plan buildout scenario. See Response to Comment E-17.

E-27 The comment states that the EIR does not provide adequate analysis of the Project's employment and population generation or cumulative development. See Response to Comment E-5.

E-28 The comment expresses a concern regarding the Draft EIR's range of alternatives analyzed and suggests that other alternatives that could have been considered include a project that eliminates all significant and unavoidable impacts or a mixed-use project with affordable housing and local-serving commercial uses.

CEQA does not require that the Town evaluate a certain number of alternatives, so long as the alternatives eliminate or reduce significant effects of the project, attain the project's basic objectives, and are potentially feasible (Pub. Resources Code, §21002; State CEQA Guidelines, §15126.6(a) and (b)). Section 15126.6(a) of the CEQA Guidelines notes there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. This rule is described in Section 15126.6(f) of the CEQA Guidelines and requires the EIR to set forth only those alternatives necessary to foster informed decision-making. As defined in Section 15126.6(f), the rule of reason limits alternatives

analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those alternatives, an EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The alternatives evaluated in the Draft EIR present "a reasonable range of potentially feasible alternatives." No set number of alternatives is necessary to constitute a legally adequate range of alternatives. The Draft EIR included the following alternatives: the No Project Alternative, Cordova Complex Only Alternative, and Reduced Project Alternative. Notably, the Reduced Project Alternative reduced all Project impacts to a less-than-significant level with the exception of GHG impacts, which would remain significant and unavoidable. An alternative that would reduce all of the Project's significant and unavoidable impacts was considered; however, in order to eliminate significant and unavoidable GHG impacts, this would equate to a project approximately 5% the size of the proposed Project (approximately 150,000 square feet), which would not meet any of the Project objectives or be feasible. A mixed-use alternative was not analyzed because it is not permitted under the Project site's existing zoning and land use designation. Also, such a use is incompatible with the purpose of the NAVISP and would introduce incompatible residential uses into an area designated for industrial development. The Draft EIR's alternatives analysis thus met CEQA's requirement to evaluate a reasonable range of alternatives and is therefore adequate as provided.

- E-29 The comment serves as an introduction to the attached SWAPE letter, introduces the Project, and summarizes the conclusions of the letter. The comment states that the EIR fails to adequately evaluate the Project's hazards, hazardous materials, air quality, health risk, and GHG impacts, and a revised EIR should be prepared. The comment does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response can be provided or is required.
- E-30 The comment states that the Phase I Environmental Site Assessment (ESA) prepared for the Project did not include coverage of all Project parcels; specifically, Assessor's Parcel Numbers (APNs) 0463-213-06 and 0463-213-16 were not included, and the EIR must be revised to include a Phase I ESA that covers all Project parcels. The Town acknowledges that the comment is correct that the Phase I ESA omits the two parcels noted by the commenter.

A Phase I ESA is commonly required as part of the due diligence process during a real estate transaction to assess a property's potential environmental contamination liabilities. A Phase I ESA is not required for CEQA review but can be used to support the hazards and hazardous materials analysis. Note that, under CEQA, the effects of the existing environment upon a proposed project is not a *project* impact. A project impact occurs when direct or indirect changes to the environment would occur as a result of implementation of the project. As described in the Project's Initial Study (see Appendix A of the Draft EIR), none of the parcels comprising the Project site are included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The impact analysis in Draft EIR Section 4.7, Hazards and Hazardous Materials, evaluates Project hazards related to the routine transport, use, or disposal of hazardous materials and reasonably foreseeable upset and accident conditions. The Project would be required to comply with all applicable federal, state, and local laws and regulations regarding the use, transport, handling, storage, disposal, and release of hazardous materials, as discussed in detail under Threshold A starting on page 4.7-8 of the Draft EIR. The Draft EIR's analysis is adequate as provided and the omission of the two parcels does not warrant a new Phase I ESA be prepared.

- E-31 The comment states that the PDFs that are not formally included as mitigation measures cannot be guaranteed to be implemented. As described in Draft EIR Chapter 3, Project Description, to ensure that PDFs are implemented during construction and operation, the PDFs will be tracked within the Project's

Mitigation Monitoring and Reporting Program (see Draft EIR p. 3-10 and the Project's Mitigation Monitoring and Reporting Program).

E-32 The comment states that the Draft EIR's air quality analysis relies on emissions calculated with CalEEMod Version 2020.4.0 and that several CalEEMod input parameters used for the modeling of air quality, energy, and GHG emissions in the EIR were changed from default values to Project-specific values that are not consistent with information disclosed in the EIR and may therefore underestimate Project emissions. Specifically, the comment notes that the following changes were made to account for PDFs that are incorporated into the Project Description:

- Changes to default off-road construction equipment parameters to account for PDF-CON-1 which requires all internal combustion engines/construction equipment greater than 150 horsepower operating on the Project site to meet U.S. EPA-certified Tier 4 Interim emissions standards.
- Changes to default architectural coating emissions factors to account for PDF-CON-7 which requires architectural and industrial maintenance coatings applied on the Project site to have volatile organic compound levels of less than 10 grams per liter.

The comment also states that because PDFs are not included as formal mitigation measures, there is no guarantee that they would be implemented, monitored, and enforced on the Project site. Regarding enforcement of PDFs, see Response to Comment E-31.

To clarify, CalEEMod 2022.1, not the older version CalEEMod 2020.4.0 cited by the commenter, was used to evaluate the Project's air quality, energy, and GHG emissions. In addition, as specifically identified in the CalEEMod User Guide, "CalEEMod was designed with default assumptions supported by substantial evidence to the extent available at the time of programming... However, CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence" (CAPCOA 2022). As such, the changes to the default CalEEMod assumptions for the Project emissions modeling were appropriate based on Project Applicant input and Project-specific information. CalEEMod provides default values for input parameters such as for warehouse building square footage. After the minimum project characteristic and land use information is input, CalEEMod provides default values so that the model may still be used to evaluate emissions from a land use development project in the event that such detailed information is not yet known (for instance, for a project in the planning stage). Similarly, CalEEMod provides a host of default values for the construction emissions analysis. Construction default values were used where Project information was not readily available. However, the Project Applicant and their contractor(s) represent 'experts' in estimating construction activities for the Project based on their experience with similar projects and their need to estimate construction activities, such as duration of construction and equipment needed, for budgeting. Substantial evidence is defined in CEQA to mean "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (14 California Code of Regulations 15384(b)). Because assumptions provided by the Project Applicant and their team represent an expert opinion supported by facts, these assumptions constitute substantial evidence under CEQA that can be used to more accurately estimate Project-generated emissions.

Based on input from the Project Applicant, the Project has been designed to include a number of PDFs to minimize the Project's environmental impacts, including requiring all construction equipment including engines operating at 150 horsepower or greater to be equipped with Tier 4 Interim engines and limiting the

VOC content of architectural coatings. The comment provides no evidence that these Project-specific values are not consistent with information disclosed in the EIR; these Project-specific input parameters are included in the EIR Project Description (see Draft EIR pp. 3-11 and 3-13). Therefore, the use of Project-specific data in CalEEMod is appropriate and fully in line with the CalEEMod User Guide and the EIR's analysis is based on substantial evidence and is adequate as presented.

E-33 The comment states that CalEEMod default parameters for construction trips and VMT were changed, but the Draft EIR does not provide an adequate source for the revised construction trips and VMT values and the commenter cannot verify their accuracy. The comment further states that the model may underestimate the Project's mobile source construction-related emissions based on these changes to defaults. Of importance, the changes noted by the commenter result in greater emissions, rather than underestimated emissions as compared to the default model assumptions since default average daily one-way trips were rounded up and additional vendor trips were added to the defaults for the earthwork phases to account for water trucks. Regarding substantiating changes to the CalEEMod default assumptions, see Response to Comment E-32 above.

E-34 The comment states that the Draft EIR's health risk analysis may underestimate health risk impacts and its accuracy cannot be verified because (1) the CalEEMod input parameters used are not consistent with information in the Draft EIR and therefore the diesel particulate matter (DPM) concentration is underestimated, (2) the Draft EIR does not disclose the exposure assumptions for the analysis, and (3) the Draft EIR does not include a dose and risk equation to calculate the Project's construction cancer risks. See Responses to Comments E-32 and E-33 regarding concerns associated with the justification of changes made to the default assumptions in CalEEMod.

The commenter follows by stating that the Draft EIR fails to provide exposure assumptions and dose and risk equations, which should have been based on the Office of Environmental Health Hazard Assessment (OEHHA) guidance. Notably, OEHHA guidance and equations were used as the basis of the health risk estimates. As described in the Draft EIR (see p. 4.2-27), the construction and operational HRA health risk calculations were performed using the Hotspots Analysis and Reporting Program Version 2 (HARP2) Air Dispersion and Risk Tool (ADMRT, Version 22118). Of import, the risk analysis algorithms and default values used in HARP2 are based on the OEHHA guidelines (OEHHA 2015), including age sensitivity factors and fraction of time at home parameters, and assumptions and results of the modeling were included in Appendix B-2 of the Draft EIR.

Furthermore, the Draft EIR (see p. 4.2-27) provides the exposure parameters used in the analysis for the maximally exposed individual resident (MEIR): for residential receptors during Project construction and operation, toxic air contaminant (TAC) exposure was assumed to begin in the 3rd trimester of pregnancy (assumed to be the worst-case scenario for cancer risk) for a duration of 1.15 years (construction) and 30 years (operations). OEHHA describes cancer risk evaluations for 9-, 30-, and 70-year exposure durations in the 2015 Risk Assessment Guidelines Manual and identifies that the 9- and 30-year durations correspond to the average and high-end of residency time recommended by the EPA, with the 30-year exposure duration recommended for use as the basis for estimating cancer risk at the MEIR in all HRAs (OEHHA 2015). The Draft EIR adequately evaluates the Project's potential health risk, and no further response is required.

E-35 The comment states that the commenter agrees with the Draft EIR's conclusion that the Project would have a significant impact related to GHG emissions but notes that additional feasible mitigation measures should

be incorporated. The commenter follows with a list of 38 suggested additional mitigation measures. The comment concludes that a revised EIR should be prepared to include all feasible mitigation measures, as well as updated air quality, health risk, and GHG analyses, and demonstrate a commitment to the implementation of these measures prior to Project approval.

The response evaluates each of the suggested mitigation measures for feasibility, many of which are already included within a PDF as noted below, to determine if any would be applicable for the Project to include.

The Draft EIR lists PDFs and sustainability features in Chapter 3, Project Description starting on page 3-10. A number of PDFs listed in Chapter 3 would help to reduce the Project's environmental impact with regard to air quality, GHG emissions, and energy. To ensure that the PDFs are implemented during construction and operation, the PDFs would be tracked within the Project's Mitigation Monitoring and Reporting Program (see Draft EIR p. 3-10 and the Project's Mitigation Monitoring and Reporting Program). These PDFs incorporate the feasible portions of 24 of the measures recommended by commenter, listed below.

- Designing to LEED green building certification standards. (PDF-DES-1)
- Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. (PDF-DES-3 and PDF-DES-4)
- Running conduit to designated locations for future electric truck charging stations. (PDF-DES-3)
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance). (PDF-DES-4)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations. (PDF-DES-3)
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability. (PDF-DES-3)
- Requiring all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved are equal to or exceed that of a Tier 4 engine. (PDF-CON-1)
- Ensuring the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools. (PDF-CON-2 and PDF-CON-3)
- Requiring all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022. (PDF-CON-4)
- Require the use of super compliant, low-VOC paints less than 10 g/L during the architectural coating construction phase and during Project maintenance. (PDF-CON-7)
- Requiring all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. (PDF-OP-1)

- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: (PDF-OP-6)
 - Provide car-sharing, bike sharing, and ride-sharing programs;
 - Provide transit passes;
 - Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services;
 - Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle;
 - Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms;
 - Provide employee transportation coordinators at employment sites;
 - Provide a guaranteed ride home service to users of non-auto modes.
- Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following: (PDF-OP-6)
 - Promote transit-active transportation coordinated strategies;
 - Increase bicycle carrying capacity on transit and rail vehicles;
 - Improve or increase access to transit;
 - Increase access to common goods and services, such as groceries, schools, and day care;
 - Incorporate the neighborhood electric vehicle network;
 - Orient the project toward transit, bicycle and pedestrian facilities;
 - Improve pedestrian or bicycle networks, or transit service;
 - Provide traffic calming measures;
 - Provide bicycle parking;
 - Limit or eliminate park supply;
 - Unbundle parking costs;
 - Provide parking cash-out programs;
 - Implement or provide access to commute reduction program.
- Implement preferential parking permit program. (PDF-OP-6)
- Encourage telecommuting and alternative work schedules, such as: (PDF-OP-6)
 - Staggered starting times
 - Flexible schedules
 - Compressed work weeks
 - Implement commute trip reduction marketing, such as:
 - New employee orientation of trip reduction and alternative mode options
 - Event promotions
 - Publications
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles. (PDF-OP-6)

- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project. (PDF-DES-3 and PDF-DES-4)
- Including contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site. (PDF-OP-3)
- Requiring all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. (PDF-DES-3 and PDF-OP-8)
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. (PDF-OP-3 and PDF-OP-4)
- Posting signs at every truck exit driveway providing directional information to the truck route. (PDF-OP-5)
- Requiring tenants to enroll in the United States Environmental Protection Agency’s SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers. (PDF-OP-9)
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets. (PDF-OP-9)
- If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September. (PDF-CON-7)

With regard to the remaining 14 measures suggested by the commenter that were not already included within the Project, the feasibility of each measure is analyzed below in Table E-1.

Table E-1. Analysis of Applicability and Feasibility of Suggested Mitigation Measures

Suggested Measure	Applicable/Feasible to Include?
Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network.	Infeasible. The Project includes parking spaces for bicycles. However, given the type of project and its location in rural area pedestrian amenities are not practical or required by the Town. There are no existing pedestrian or bicycle facilities in the area. The General Plan includes plans to expand Class II bike lanes along Central Road near the Project site, and along Lafayette Street from Dale Evans Parkway to Central Road. The Project would be required to pay transportation impact fees that would help fund future improvements in this area.
Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations.	Already Included. The Project includes PDF-OP-6 that requires future tenants with more than 250 employees to prepare a Transportation Demand Management (TDM) Plan that includes providing transit passes. The TDM Plan can include a variety of measures including providing a shuttle between the closest bus stop and the Project site. Route 42, is the closest bus route to the Project site, with bus stops near the intersection of Dale Evans Parkway and Johnson Road, approximately 1 to 1.5 miles southwest.
Implement school pool and bus programs.	Inapplicable. This program is applicable to a residential project and not a warehouse development. This measure would not be applicable for this Project.

Table E-1. Analysis of Applicability and Feasibility of Suggested Mitigation Measures

Suggested Measure	Applicable/Feasible to Include?
<p>Price workplace parking, such as:</p> <ul style="list-style-type: none"> ▪ Explicitly charging for parking for its employees ▪ Implementing above market rate pricing ▪ Validating parking only for invited guests ▪ Not providing employee parking and transportation allowances ▪ Educating employees about available alternatives. 	<p>Inapplicable. This measure would be applicable to a project located in a more urbanized area where parking is a premium. The Project is located in a rural area and is able to provide on-site parking. The Project includes PDF-OP-6 that includes ride sharing and car sharing as possible measures for a TDM Plan. For future tenants with more than 250 employees, a TDM program or plan to reduce employee commute vehicle emissions shall be established, subject to review and approval by the Town. The TDM plan shall apply to Project tenants through tenant leases and shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking.</p>
<p>Requiring the installing of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.</p>	<p>Inapplicable. The nearest sensitive receptors to the Project site are two existing residences south of the Cordova Complex site (along Dachshund Avenue) and one residence located east of the Quarry at Pawnee site (along Flint Road). The Project would exceed thresholds for NO_x and PM₁₀; however, installation of a vegetative wall or other barrier to separate the loading docks from the nearby sensitive receptors would not be feasible or appropriate based on the Project location. According to the Sacramento Metropolitan Air Quality Management District, to be effective, vegetative barriers should extend 164 feet or more beyond the area to be protected and once mature, foliage should be a minimum of 33 feet thick and 16 feet high (SMAQMD 2017), which would require substantial water and would not be feasible in the high desert. Further, as the Project includes PDF-OP-3 which limits truck idling time to a maximum of 3 minutes, the majority of the Project PM₁₀ emissions are generated by vehicle traffic on the roadway network rather than from idling at loading docks. Therefore, the benefit of this measure would be minimal.</p>
<p>Requiring future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.</p>	<p>Infeasible. This measure is infeasible to include as the end user/tenant of the Project is not yet known, and it cannot be determined whether such vehicles would be appropriate for future tenant’s operational needs and at what percentage of overall vehicle fleet to allow for meaningful analysis or quantification of emissions reductions. The Project includes PDF-OP-9 which requires providing information to future tenants regarding funding opportunities that provide incentives to use cleaner engines/vehicles and on the U.S. Environmental Protection Agency SmartWay Program that assists shipping companies to reduce air pollutants from transporting cargo.</p>
<p>Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building’s projected energy needs, including all electrical chargers.</p>	<p>Already Included. The Project is designed to include a 100-kW solar system with a 50-kW battery backup at each site to offset the demand for electricity in compliance with this measure. A combined total of 367,382 kWh per year was included in the CalEEMod modeling of the Draft EIR to account for these systems. Any excess energy needs will be met through renewable sources through the Apple Valley Choice Energy 100% Renewable</p>

Table E-1. Analysis of Applicability and Feasibility of Suggested Mitigation Measures

Suggested Measure	Applicable/Feasible to Include?
	Energy Plan as required by MM GHG-1. Through this program, all energy received from Southern California Edison is derived from renewable sources.
Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.	Inapplicable. The Project would include a 100-kW solar system with a 50-kW battery backup at each site and Project tenants would be required to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy, pursuant to MM GHG-1.
Requiring all stand-by emergency generators to be powered by a non-diesel fuel	Already Included. For the purposes of a worst-case scenario for the air quality analysis, it was assumed that the Project would operate one diesel-fueled 300-horsepower (hp) fire pump for a maximum of 50 hours per year for routine testing and maintenance at each warehouse. This usage was accounted for in the Project’s operational air quality impacts. PDF-CON-2 prohibits the use of diesel-fueled generators for on-site construction activities unless electrical infrastructure is not yet available on the Project site.
Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.	Already Included. The purpose of the CalGreen Tier 2 standards is primarily to increase building energy efficiency. The Project would comply with state law and implement CalGreen, specifically Part 11 of Title 24 that includes requirements for bicycle parking, designated parking for clean air vehicles, and EV charging stations. The Project includes PDF-DES-1 that requires the Project be designed to achieve LEED silver; PDF-DES-3 to include electrical infrastructure to accommodate the required number of EV charging stations, the anticipated number of charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck EV charging stations per Title 24, Part 11; and PDF-DES-4 which requires Level 2 (or faster) EV charging stations be installed for employees for the percentage of employee parking spaces commensurate with Title 24, Part 11 requirements plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By January 1, 2030, Level 2 (or faster) EV charging stations shall be installed for 25% of the employee parking spaces required. With regard to GHG emissions attributable to operation of the Project, the Project would be designed to include rooftop solar panels and Project tenants would be required to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy, pursuant to MM GHG-1. The vast majority of the Project’s GHG emissions would come from heavy truck emissions, which would not be reduced by achieving CalGreen Tier 2 standards. Therefore, meeting CalGreen Tier 2 green building standards would not provide any meaningful reduction in GHG emissions and would be redundant of measures already being implemented by the Project.

Table E-1. Analysis of Applicability and Feasibility of Suggested Mitigation Measures

Suggested Measure	Applicable/Feasible to Include?
<p>Providing meal options on site or shuttles between the facility and nearby meal destinations.</p>	<p>Feasible. Each warehouse would contain a break room for employees with standard amenities such as a coffee maker, microwave, and refrigerator, as well as tables and seating to enable employees to eat meals on site. The project description has been revised to clarify this. In addition, PDF-OP-10 has been updated to include provisions for providing information to employees regarding other on-site meal options, such as food trucks (see Chapter 2, Changes to the Draft Environmental Impact Report, of this Final EIR for details).</p>
<p>Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.</p>	<p>Inapplicable. The Project is a warehouse that would not include its own fleet of trucks or other diesel-powered vehicle. Per PDF-OP-1, all equipment and appliances operating on the Project site shall be zero-emission equipment including forklifts, handheld landscaping equipment, yard equipment, office appliances. The Project also includes PDF-CON-8 which requires construction logs be kept during construction and be available to any agency conducting site visits.</p>
<p>Requiring all TRUs entering the project-site be plug-in capable.</p>	<p>Inapplicable. The Project does not include cold storage (Draft EIR pp. 3-7, 3-17) and also includes PDF-OP-8 which prohibits cold storage.</p>
<p>Require all construction equipment and fleets to be in compliance with all current air quality regulations.</p>	<p>Inapplicable. The Project is required to comply with all applicable state and local laws and requirements during construction. The Project also includes PDF-CON-1 that requires all construction equipment greater than 150 horsepower to meet Tier 4 emission standards and PDF-CON-2 which prohibits the use of diesel generators and requires electric construction tools for saws, drills, and compressors, etc.</p>

Response to Comment Letter F

U.S. Fish and Wildlife Service
Jane Hendron, Acting Assistant Field Supervisor
July 8, 2024

- F-1 The comment summarizes the Project and notes that the USFWS is providing comments under the authorities of the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) and other authorities of the Department of the Interior. This comment does not raise any substantive issues with the adequacy of the EIR or raise any other CEQA issues; therefore, no further response is required.
- F-2 The comment notes that the Project lies within the range of the federally threatened desert tortoise (*Gopherus agassizii*), states that the Endangered Species Act prohibits the take of endangered and threatened species and provides a definition of take. The comment notes that protocol desert tortoise surveys conducted in March 2023 resulted in no observations of desert tortoise burrows, signs, or individuals. The USFWS agrees with the EIR mitigation measure (MM BIO-10) that requires a pre-disturbance desert tortoise clearance survey be conducted within 3 days of ground disturbance, and if the USFWS determines that take of desert tortoise is reasonably certain to occur, it recommends that the Applicant apply for an incidental take permit. The Town acknowledges the comment and notes that it confirms information included in the Draft EIR and does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response is required.
- F-3 The comment states that the Project would likely lead to a local increase in the number of common ravens (*Corvus corax*) in the Project area, which prey on desert tortoise and may result in adverse impacts on the species. The comment further recommends that the EIR revise MM BIO-5 and MM BIO-8 to include additional measures to reduce the attractiveness of the Project site to common ravens. The comment also recommends that the Town require the Applicant to contribute funding to the regional management program for common ravens that is managed by the Desert Managers Group.

The Town has revised MM BIO-4, MM BIO-5, and MM BIO-6 in response to the commenter's suggestions as follows:

MM BIO-4: **Compliance Monitoring.** During site-disturbing activities a designated biologist retained by the Project Applicant or construction contractor shall be on site daily and shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that these areas remain protected during site disturbing activities (see MM BIO-3). Additionally, the designated biologist shall take actions to limit potential increases in invasive common ravens as a result of construction activities. These actions shall include removing inactive nests of common ravens when possible, properly disposing of wildlife carcasses, including roadkill struck during construction, and reporting common raven nesting and any evidence of predation of desert tortoises to the California Department of Fish and Wildlife. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit, if required, shall be prepared by the designated biologist and provided to the California Department of Fish and Wildlife.

MM BIO-5: Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before any ground disturbing activities. The WEAP shall consist of a presentation from a designated biologist retained by the Project Applicant or construction contractor that includes a discussion of the biology and status of protected or special-status plant and animal species including: western Joshua trees, Mohave desert tortoise, burrowing owls, LeConte's thrasher, Bendire's thrasher, loggerhead shrike, American badger, and desert kit fox. Additionally, the WEAP shall contain information regarding the negative ecological impacts of common ravens, and best practices to reduce the attractiveness of the proposed Project and activities to common ravens. This shall include the importance of reducing food and water subsidies, as well as the requirement for the Project to secure trash during operations of the warehouse facilities. Interpretation for non-English-speaking workers shall be provided, and the same instructions shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who shall be conducting work in the Project area.

MM BIO-8: Mitigation for Indirect Impacts. The following measures shall be required to avoid/minimize potential indirect impacts to biological resources, including aquatic resources and special-status plant and animal species that may occur inside and outside of the Project boundary.

- Invasive, non-native plant species listed on the California Invasive Plant Council's Inventory of Invasive Plants (<https://www.cal-ipc.org/plants/inventory/>) shall not be incorporated in the landscape plans for the Project for areas within 100 feet of undeveloped areas.
- Fully covered trash receptacles that are animal-proof shall be installed and used by construction personnel to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
- Construction work areas shall be kept clean of debris, such as trash and construction materials. All construction/contractor personnel shall collect all litter and food waste from the Project site on a daily basis and dispose of such materials in covered trash receptacles. Vehicle fluids and other hazardous waste shall be disposed of in compliance with all applicable federal, state, and local agencies and regulations as described in Section 4.7, Hazards and Hazardous Materials, of this EIR.
- The amount of standing water on site shall be reduced as much as possible to limit water subsidies for invasive common ravens. Water application for dust suppression in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2 shall ensure a minimal amount of water is used to prevent standing water. Additionally, faucets for water sources used during construction activities shall be secured to prevent leaks.

- The Project Applicant shall consult with a qualified biologist prior to approval of final building permits to ensure that structures are designed in a manner than reduces the opportunities for nesting and perching by common ravens and/or anti-perching and anti-nesting devices are installed on structures.

The suggestion that the Town require the Applicant to contribute funding to the regional management program for common ravens is not necessary given that the protocol-level surveys for desert tortoise were negative and the Town has incorporated the above changes to mitigation measures. Therefore, no change to such requirements is included.

Response to Comment Letter G

CARE CA

Jeff Modrzejewski, Executive Director

July 10, 2024

- G-1 This comment states that CARE CA strongly supports the Project because it would provide critical employment opportunities for the Town and create many high-quality construction jobs for the local skilled workforce. The comment further states that the Applicant worked with CARE CA and other community groups to propose a community-oriented project designed to contribute to the local community and enrich the Town. The Town acknowledges the comment and notes that it does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response is required.

Response to Comment Letter H

Advocates for the Environment
Dean Wallraff, Attorney at Law, Executive Director
July 19, 2024

- H-1 The comment summarizes the Project and states that the comments are being submitted regarding the sufficiency of the Draft EIR's GHG analysis.² The comment serves as an introduction to the comments that follow and does not raise a specific issue regarding the adequacy of the Draft EIR's analysis; therefore, no further response can be provided or is required.
- H-2 The comment states that the Town should adopt a net-zero GHG significance threshold for the Project. The comment references two large housing projects (Newhall Ranch and Centennial) in which net-zero thresholds were applied and urges the Town adopt a net-zero GHG threshold.

As described in the Draft EIR (see pp. 4.6-19 through 4.6-21), while the Town has not yet adopted a numeric significance threshold for determining significant impacts associated with GHG emissions, it relied on use of the 3,000 MT CO_{2e} per year threshold to evaluate the potential for the Project to result in a significant GHG impact under CEQA because it has been recommended by the SCAQMD, the SCAQMD is an expert agency in the Southern California region, and the SCAQMD threshold is more stringent than the MDAQMD GHG threshold. Further, the SCAQMD provides substantial evidence that the thresholds are consistent with policy goals and 2050 GHG emissions reduction targets set by the state. Specifically, the thresholds were set at levels that capture 90% of the GHG emissions from the above-described uses, consistent with Executive Order S-3-05 target of reducing GHGs to 80% below 1990 levels by 2050.

The Town rejects the comment's suggestion to apply a net-zero threshold for this Project because it finds that its use of SCAQMD's threshold is appropriate and supported by substantial evidence. While application of a net-zero threshold may be appropriate for residential projects, it is not appropriate to apply such a threshold to warehouse projects where the vast majority of operational GHG emissions result from mobile-source emissions. The Town finds it is not currently feasible to entirely mitigate the Project's mobile-source GHG emissions due to current jurisdictional and technological constraints. Nonetheless, the Town will require all feasible mitigation measures to reduce the Project's GHG emissions to the maximum extent practicable and anticipates that the Project's GHG emissions will reduce over time as more stringent regulations come into effect and technology improves and becomes more widespread.

With regards to the residential projects referenced by the commenter (Newhall Ranch and Tejon Ranch projects) the 2022 CARB Scoping Plan notes that ". . . the Newhall and Tejon Ranch projects do not necessarily represent the type of development that California most needs to simultaneously tackle the housing and climate crises . . .". Further, the 2017 CARB Scoping Plan and the 2022 CARB Scoping Plan both caution against using net-zero targets for all projects. According to the 2017 Scoping Plan (CARB 2017):

"Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate

² Note: The letter incorrectly refers to the Town of Apple Valley as the "city". References to city have been changed to reflect the correct terminology.

its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.”

The 2022 Scoping Plan also notes that jurisdictions considering a net-zero target should carefully consider the implications it may have on emissions in neighboring communities and beyond. Appendix D of the 2022 Scoping Plan states (CARB 2022):

“Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology.”

H-3 The comment states that the Draft EIR does not provide evidence that there are no further feasible mitigation measures available to reduce GHG emissions other than the identified MM GHG-1, and that more mitigation measures to reduce GHG emissions should have been included. The comment states that the Town and Applicant can commit to reduce emissions through design and technology specifications particularly from heavy-duty trucks and vehicles. See Response to Comment E-35, which evaluates 38 additional suggested mitigation measures for feasibility to determine if any would be applicable for the Project to implement, including measures that pertain to on-road vehicles. The majority of suggested measures were either already included in the PDFs to the extent feasible or were determined to be infeasible or inapplicable. Clarification about on-site meal options was added to the project description and PDF-OP-10 (see Chapter 2, Changes to the Draft Environmental Impact Report, of this Final EIR). See also Responses to Comments H-5 through H-7 for evaluation of specific mitigation measures suggested by the commenter, including zero-emission heavy-duty truck feasibility.

H-4 The comment states that the Project is required by CEQA to include fair-share mitigation for all significant cumulative impacts, and the Draft EIR does not provide substantial evidence that no other mitigation measures are feasible beyond MM GHG-1. The comment further states that the lifespan of the Project is approximately 30 years as indicated by the amortization of construction emissions and the Project would likely contribute 1,520,819 MT CO_{2e} during its lifespan and suggests subtracting the effect of additional non-offset mitigation measures before implementing offset purchases. The potential lifetime GHG emissions of the Project provides factual information but does not raise an environmental issue within the meaning of CEQA. See also Responses to Comments E-35 and H-5 through H-7 regarding feasibility of additional mitigation measures.

Finally, it is important to note that an individual land use project’s fair-share does not necessarily include everything that will need to happen in order to achieve the state’s long-term goals, but rather that “projects should focus on aspects within the scope of their design and control that contribute their ‘fair-share’ of what is needed to attain state goals” (BAAQMD 2022). The Project already includes a robust suite of measures within its design and control that would reduce GHGs, and with revisions to PDF-DES-5 and PDF-OP-10 described above, the Town has determined that all feasible measures have been incorporated into the Final EIR and that the Project is doing its fair-share to minimize GHGs.

H-5 The comment states that the Town could require the Applicant to enter into an agreement for a zero-emission heavy-duty truck fleet and further notes there is no evidence it would be infeasible to install additional EV charging stations beyond the minimum requirements specified in PDF-DES-3 and PDF-DES-4, as required by Title 24.

Although all-electric trucks may be physically available, albeit not in sufficient quantity, there are further economic and infrastructure related constraints that make including such a requirement proposed by the commenter—mandating all trucks accessing the Project site be zero emissions—wholly infeasible today, and likely well into the future. Based on current conditions the following make this requirement infeasible (1) insufficient electric grid capacity, (2) logistics barriers, (3) zero-emission trucks are cost prohibitive due to limited supplies, and (4) sourcing material is scarce and causes environmental effects. These factors are discussed in detail below.

The first major issue that makes requiring all trucks accessing the Project site to be zero-emissions infeasible, is that there is not enough electrical grid power to sustainably charge heavy-duty trucks. For example, one trucking company tried to electrify 30 trucks at a terminal in Joliet, Illinois. Shortly after this plan began, local officials shut it down, commenting that it would draw more electricity than is needed to power the entire city (ATA 2023). In a May 2023 report by Resources for the Future, titled *Medium- and Heavy-Duty Vehicle Electrification: Challenges, Policy Solutions, and Open Research Questions*, the report states that medium- and heavy-duty electric vehicle (MHDEV) charging (which may exceed several megawatts [MWs] of electricity demand for large fleets) could destabilize electricity distribution systems (RFF 2023). Therefore, significant investments into the grid, transmission system, and generation capacity are required (RFF 2023). If the Town were to mandate every truck entering the facility to be zero-emissions, it would put a significant strain on California's power grid; one the grid cannot handle in the short-term, much less sustain in the long run.

Not only can local and state electrical infrastructure not sustain fully electric trucks, the logistical and operational barriers of using such trucks is also extremely prohibitive. To gain widespread use, MHDEVs must be comparable to diesel vehicles in model options, range, recharge time, payloads, and maintenance (RFF 2023). However, MHDEVs generally have ranges below 200 miles, versus more than 1,000 miles for diesel vehicles (RFF 2023). Additionally recharge times are substantially longer than diesel refueling. For example, a diesel truck can spend 15 minutes fueling anywhere in the country and then travel about 1,200 miles before fueling again (ATA 2023). In contrast, today's long-haul battery electric trucks have a range of about 150–330 miles and can take up to 10 hours to charge (ATA 2023). Moreover, fleets without a charging depot will need to rely on public charging stations. Unfortunately, significant investment must first be made before widespread public charging is feasible (RFF 2023). Lastly, the weight of MHDEVs is also a significant issue that will lead to increased operational barriers. Battery-electric trucks, which run on two approximately 8,000-pound lithium ion batteries, are far heavier than diesel trucks (ATA 2023). Because trucks are subject to strict federal and state weight limits, as seen by weighing stations throughout California and the United States, requiring zero-emission battery electric trucks will significantly decrease the payload of each truck, thus requiring more trucks to be on the road leading to increased traffic congestion and tailpipe emissions (ATA 2023).

In addition to the barriers described above, zero-emission trucks are currently cost prohibitive for most fleet owners. A new, clean-diesel long-haul tractor typically costs in the range of \$180,000 to \$200,000 (ATA 2023). Meanwhile, a comparable battery-electric tractor—with a quarter of the range and thus requiring frequent and long hours of charging—costs upwards of \$480,000 (ATA 2023). This \$300,000 upcharge is

cost prohibitive for the overwhelming majority of truck operators/companies and as more than 95% of trucking companies are small businesses operating ten (10) trucks or fewer (ATA 2023). Enacting the agreement requested by the commenter would push many truck carriers out of business, tighten capacity, and potentially cause severe price inflation for all goods (ATA 2023). As stated previously, many small trucking businesses would be required to use public charging stations, in which the infrastructure for such charging is not widely available (CCJ 2023).

Finally, there is a significant constraint in sourcing enough raw minerals needed to produce the lithium-ion batteries used in zero-emission trucks. For example, tens of millions of tons of cobalt, graphite, lithium, and nickel would need to be produced (ATA 2023). It is estimated that it could take up to 35 years to acquire all the minerals needed to generate enough truck batteries for current levels of global production (ATA 2023). Additionally, expanding capacity and sourcing this amount of material creates massive environmental effects, that in some respects could exceed the emissions of current clean-diesel trucks (ATA 2023).

Although no one is certain, it is estimated that it would take several decades to reach a point where zero-emission trucks are fully feasible. This is illustrated by CARB's own lofty goals, to require all trucks entering a California port to be zero-emission by 2035, and for 'last-mile' delivery trucks and vans to be zero-emission by 2040 (CARB 2020). By setting these dates, which are 12 and 17 years in the future, CARB is acknowledging that current infrastructure and costs make requiring exclusively zero-emission trucks infeasible in the next decade. Significant investment in public charging, battery size, battery sourcing, battery range, and electric grid capacity must begin now, to meet the goals set by CARB.

Based on the response above, all feasible mitigation has been incorporated into the Project as it pertains to heavy-duty trucks. This comment is noted and forwarded to the decision-makers for their consideration; however, the EIR's analysis is adequate as provided and no further response is required.

- H-6 The comment states that there are options available to mitigate the full extent of Project emissions, noting several additional mitigation measures addressing non-mobile sources of GHG emissions are available, specifically solar water heaters and automatic light switches, that could be incorporated into the Project as PDFs or mitigation measures. The comment also mentions that the Project could achieve a higher level of LEED certification beyond Silver and extend further beyond CALGreen requirements.

The Project has been designed to meet the Town's development standards as well as meet state building requirements under Title 24, including installation of solar to offset the Project's energy demand. The Project includes PDF-DES-3, PDF-DES-4, PDF-DES-6, PDF-OP-2, PDF-OP-3, PDF-OP-4, PDF-OP-5, PDF-OP-6, and PDF-OP-9 provided in Chapter 3 starting on page 3-10 that would help reduce mobile sources of GHGs. However, quantitative reductions from these mobile source PDFs cannot be determined at this time and neither the Project Applicant nor the Town can substantively or materially affect reductions in the Project's on-road mobile source emissions beyond what is already required by state regulations. Other PDFs address energy efficiency in the design and operation of Project buildings including PDF-DES-5, PDF-DES-7, and PDF-OP-1. The Project also requires future tenants to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy as part of the entitlement agreement, per MM-GHG-1. This further commits Project tenants to rely on renewable energy sources to minimize long-term GHG emissions. See also Response to Comment E-35, which evaluates 38 additional suggested mitigation measures for feasibility to determine if any would be applicable for the Project to implement, including measures that pertain to non-mobile sources.

H-7 The comment states the Town could also require the Applicant to purchase offsets for the Project's remaining GHG emissions, after requiring operational emissions reductions to the maximum extent feasible. The comment states no evidence is provided for why offsets would be infeasible.

Although it is true that it is possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from development projects. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a "CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard." (Id. at 510.) Although the court insisted its decision "should not be construed as blanket prohibition on using carbon offsets" to mitigate GHG emissions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigate more than 8% of a project's emissions and the extent to which out-of-county offsets could be used. (Id. at 503, 513, n. 27.) Subsequent to *Golden Door* (and within the last year), another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did "not cure the defects found in *Golden Door*." (*Sierra Club v. County of San Diego* (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at *11.) In light of such uncertainty, the Town finds that carbon offsets are not a feasible method for mitigating the Project's GHG emissions.

In addition, it should be noted that the vast majority of emissions that would be generated by the Project, including mobile emissions and energy emissions, are subject to the California Cap-and-Trade program, which places an economy-wide "cap" on major sources of GHG emissions, such as refineries, power plants, industrial facilities and transportation fuels. For example, "Fuel suppliers' are responsible for the carbon pollution from fuels under the Cap-and-Trade Program" and thus must acquire "allowances" to cover all carbon pollution from such fuels³. They may also purchase certain approved offsets to fulfill up to 8% of their compliance obligation. (See *Golden Door* at 485.) Given that more than 95% of the emissions that would be generated by the Project are covered under the Cap-and-Trade program and thus are already subject to a regulatory program that includes offsets, the Town finds it would be inappropriate and infeasible to use offsets to mitigate such emissions. Rather, mitigation measures should focus on reducing emissions from the Project.

Indeed, *Golden Door* and other cases make clear that the purchase of offsets is not a substitute for avoiding emissions and that measures that result in actual reductions in emissions from a development project are preferable to attempting to offset emissions via offsets. Thus, the Draft EIR requires the Project implement numerous measures designed to reduce the Project's GHG emissions (see Chapter 3, pp. 3-10 through 3-15). Furthermore, the Town has carefully considered comments suggesting additional mitigation measures, and, partly as a result of comments received on the Draft EIR, the Town has modified PDF-DES-5 to include solar-power water heaters and a timer system for lighting, and PDF-OP-10 to include provision of information about on-site food trucks (see Chapter 2, Changes to the Draft Environment Impact Report, of this Final EIR).

³ FAQ for Fuel Purchasers: https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/guidance/faq_fuel_purchasers.pdf

While some quantification of the effect of mitigation is possible, many measures still remain difficult to quantify and the Town finds it would not be appropriate to do so at this time.

With the revisions to PDF-DES-5 and PDF-OP-10 described above, the Town has determined that all feasible measures have been incorporated into the Final EIR. Such additional measures would result in fewer emissions than disclosed in the Draft EIR; however, because the Project would still result in a net increase in GHG emissions as compared to existing conditions, the Project's contribution to cumulative GHG impacts is still considered to be significant and unavoidable. For the reasons discussed above, the Town's experts disagree that the purchase of carbon offsets is a feasible or appropriate way to mitigate the Project's remaining GHG emissions.

- H-8 The comment provides concluding remarks and reiterates comments made earlier (See Responses to Comments H-2 through H-7) that the Draft EIR does not include all feasible mitigation measures to reduce GHG emissions and has not demonstrated why other measures are infeasible. The comment also requests to receive notices of Project updates pursuant to Public Resources Code Section 21092.2. The commenter has been added to the distribution list for the Project to receive notices regarding hearings and/or actions related to the Project.

3.3 References

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4 Mitigation Monitoring and Reporting Program

California Public Resources Code (PRC) Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during Project implementation.” (PRC Section 21000–21177.)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the PRC and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L), and includes the following information:

- List of mitigation measures and Project Design Features
- Timing for implementation of the mitigation measures
- Party responsible for implementing or monitoring the mitigation measures
- Date of completion of monitoring

The Town of Apple Valley must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Mitigation Measures				
Biological Resources				
<p>MM BIO-1: Conservation of Western Joshua Trees. Mitigation for direct impacts to 11 western Joshua trees one meter or greater but less than five meters in height, and 3 trees less than one meter in height shall be fulfilled through a payment of the elected fees as described in Section 1927.3 of The Western Joshua Tree Conservation Act. In conformance with the fee schedule, the Project Applicant shall pay \$1,000 for each western Joshua tree five meters or greater in height, and \$200 for each western Joshua tree less than five meters in height. Fees collected will be deposited into the Western Joshua Tree Conservation Fund for appropriation to the California Department of Fish and Wildlife.</p>	Prior to issuance of grading permits	Town of Apple Valley		
<p>MM BIO-2: Conservation of Desert Native Plants. Pursuant to Town of Apple Valley Municipal Code Chapter 9.76, prior to the grading permit, the Project Applicant shall submit an application to the Town for removal or relocation of protected native desert plants protected under the Town’s Municipal Code Chapter 9.76, as required, and shall schedule a pre-construction site inspection with the appropriate authority. In addition, a plot plan shall be approved by the appropriate Town of Apple Valley Review Authority (County Certified Plant Expert, Planning Commission, or Town Council) indicating exactly which trees or plants are authorized to be removed.</p> <p>The application shall include certification from a qualified western Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Town of Apple Valley Municipal Code. Protected plants subject to Town of Apple Valley Municipal Code Chapter 9.76 may be relocated on site or within an area designated for the species. The</p>	Prior to issuance of grading permits and during site disturbance/grading	Town of Apple Valley (County Certified Plant Expert, Planning Commission, or Town Council)		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified western Joshua tree and native desert plant expert(s). The plan shall include the following measures:</p> <ul style="list-style-type: none"> ▪ Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s). ▪ Western Joshua trees shall be marked on their north-facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s). ▪ Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of a qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering. 				
<p>MM BIO-3: Designated Biologist Authority. In accordance with Section 1927.3 of The Western Joshua Tree Conservation Act obtained for the take of western Joshua tree a designated biologist retained by the Project Applicant or construction contractor shall be on site during all site disturbing activities and shall have authority to immediately stop any activity that does not comply with the biological resource mitigation measures (included in this EIR) and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley/Biologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>MM BIO-4: Compliance Monitoring. During site-disturbing activities a designated biologist retained by the Project Applicant or construction contractor shall be on site daily and shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that these areas remain protected during site disturbing activities (see MM BIO-3). Additionally, the designated biologist shall take actions to limit potential increases in invasive common ravens as a result of construction activities. These actions shall include removing inactive nests of common ravens when possible, properly disposing of wildlife carcasses, including roadkill struck during construction, and reporting common raven nesting and any evidence of predation of desert tortoises to the California Department of Fish and Wildlife. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit, if required, shall be prepared by the designated biologist and provided to the California Department of Fish and Wildlife.</p>	<p>During site disturbance/grading/ construction</p>	<p>Town of Apple Valley/ construction contractor</p>		
<p>MM BIO-5: Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before any ground disturbing activities. The WEAP shall consist of a presentation from a designated biologist retained by the Project Applicant or construction contractor that includes a discussion of the biology and status of protected or special-status plant and animal species including: western Joshua trees, Mohave desert tortoise, burrowing owls, LeConte’s thrasher, Bendire’s thrasher, loggerhead shrike, American badger, and desert kit fox. Additionally, the WEAP shall contain information regarding the negative ecological impacts of common ravens, and best practices to reduce the attractiveness of the proposed project and activities to common ravens. This shall</p>	<p>Prior to site disturbance/grading</p>	<p>Town of Apple Valley</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>include the importance of reducing food and water subsidies, as well as the requirement for the project to secure trash during operations of the warehouse facilities. Interpretation for non-English-speaking workers shall be provided, and the same instructions shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who shall be conducting work in the Project area.</p>				
<p>MM BIO-6: Construction Monitoring Notebook. The designated biologist (see MM BIO-3) shall maintain a construction monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the WEAP education program. The Project contractor shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by Town staff, the California Department of Fish and Wildlife, or any agency with jurisdiction.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley/Biologist</p>		
<p>MM BIO-7: Delineation of Property Boundaries. Prior to commencing ground disturbing activities, the Project contractor shall, in consultation with the designated biologist, clearly delineate the boundaries around the entire Project footprint with fencing, stakes, or flags, consistent with the grading plan. All fencing, stakes, and flags shall be maintained until the completion of site disturbing activities in that area.</p>	<p>Prior to construction or any ground disturbance</p>	<p>Town of Apple Valley/Biologist</p>		
<p>MM BIO-8: Mitigation for Indirect Impacts. The following measures shall be required to avoid/minimize potential indirect impacts to biological resources, including aquatic resources and special-status plant and animal species that may occur <u>inside and outside</u> of the Project boundary.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley/ construction contractor</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> ▪ Invasive, non-native plant species listed on the California Invasive Plant Council’s Inventory of Invasive Plants (https://www.cal-ipc.org/plants/inventory/) shall not be incorporated in the landscape plans for the Project for areas within 100 feet of undeveloped areas. ▪ Fully covered trash receptacles that are animal-proof shall be installed and used by construction personnel to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site. ▪ Construction work areas shall be kept clean of debris, such as trash and construction materials. All construction/contractor personnel shall collect all litter and food waste from the Project site on a daily basis and dispose of such materials in covered trash receptacles. Vehicle fluids and other hazardous waste shall be disposed of in compliance with all applicable federal, state, and local agencies and regulations as described in Section 4.7, Hazards and Hazardous Materials, of this EIR. ▪ The amount of standing water on site shall be reduced as much as possible to limit water subsidies for invasive common ravens. Water application for dust suppression in accordance with the Mojave Desert Air Quality Management District’s Rules 401 and 403.2 shall ensure a minimal amount of water is used to prevent standing water. Additionally, faucets for water sources used during construction activities shall be secured to prevent leaks. ▪ The Project Applicant shall consult with a qualified biologist prior to approval of final building permits to ensure that structures are designed in a manner than reduces the opportunities for nesting and perching by common ravens and/or anti-perching and anti-nesting devices are installed on structures. 				

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>MM BIO-9: Pre-Construction Burrowing Owl Survey. A qualified biologist retained by the Project Applicant or construction contractor shall conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site ground-disturbing activities (e.g., disking, vegetation clearing, clearing and grubbing, equipment staging, etc.) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife’s (CDFW’s) 2012 (or most recent version) Staff Report on Burrowing Owl Mitigation. If burrowing owls are not detected during the pre-construction take avoidance surveys, then no additional action is required.</p> <p>If burrowing owls are detected, a Burrowing Owl Relocation and Protection Plan shall be prepared and implemented for the Project. The Burrowing Owl Relocation Plan shall require that disturbance to burrows be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in CDFW’s Staff Report on Burrowing Owl Mitigation. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.</p> <p>Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented by a qualified biologist approved to conduct relocation. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be in place at least 72 hours prior to ground-disturbing activities. The Project site shall be monitored daily for 1 week to confirm owl</p>	<p>First survey No more than 14 days prior to site disturbance/grading</p> <p>Second Survey Within 24 hours of site disturbance/grading</p> <p>Outside of the nesting season, prior to site disturbance/grading species to be relocated and site monitored daily or 1 week</p>	<p>Town of Apple Valley/Biologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat, if the site is occupied by burrowing owl, shall be provided following the guidance in CDFW’s Staff Report on Burrowing Owl Mitigation.</p> <p>Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow. An endoscope (fiber optic camera) should also be used to scope the burrow in front of the excavation. Occupied burrows that are excavated need to be replaced at a 2:1 ratio if there are already suitable burrows present nearby.</p> <p>Should burrowing owl be located during the pre-construction survey, mitigation for direct impacts to 198.4 acres shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 198.4 acres.</p>				
<p>MM BIO-10: Pre-Disturbance Desert Tortoise Clearance Survey. A qualified biologist retained by the Project Applicant or construction contractor shall conduct pre-disturbance desert tortoise clearance surveys within three days of site ground-disturbing activities (e.g., disking, vegetation clearing, clearing and grubbing, equipment staging, etc.) in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol to reevaluate locations of potential Mojave desert tortoise burrows within the Project limits so take of Mojave desert tortoise can be avoided. If no Mojave desert tortoises are found during the pre-disturbance desert tortoise clearance survey, then no additional action or mitigation is required.</p> <p>Should Mojave desert tortoise be located during the clearance survey, USFWS shall be contacted and all work shall cease until</p>	<p>Within 3 days prior to site disturbance/grading and ongoing during construction (if species are present)</p>	<p>Town of Apple Valley/Biologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>further direction from the USFWS is provided. All methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS Desert Tortoise Field Manual or Project-specific guidance contained in a biological opinion or Incidental Take Permit. No take of Mojave desert tortoise shall occur without authorization in the form of an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 and a biological opinion or Habitat Conservation Plan. The Project Applicant shall adhere to measures and conditions set forth within the Incidental Take Permit. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS. The area cleared and number of Mojave desert tortoises found within that area shall be reported to the local USFWS and appropriate state wildlife agency. Notification shall be made in accordance with the conditions of the biological opinion or Incidental Take Permit.</p> <p>Should Mojave desert tortoise be located during the clearance survey, the Project would result in the loss of 198.4 acres of suitable habitat for Mojave desert tortoise. Mitigation for direct impacts to 198.4 acres shall be fulfilled through conservation of suitable Mojave desert tortoise habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 198.4 acres or as otherwise determined through coordination with the USFWS and/or California Department of Fish and Wildlife.</p>				
<p>MM BIO-11: Pre-Construction Nesting Bird Survey. If possible, vegetation clearing shall be conducted outside of the nesting season, which is generally identified as February 1 through August 31. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a pre-construction nesting bird survey within seven days prior to any disturbance of the site, including disking, vegetation clearing, clearing and grubbing,</p>	<p>Within 7 days prior to site disturbance/grading</p>	<p>Town of Apple Valley/Biologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>equipment staging, etc. If active nests are identified during the pre-construction nesting bird survey, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Suitable buffers shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species).</p>				
<p>MM BIO-12: Pre-Disturbance American Badger and Desert Kit Fox Clearance Survey. A qualified biologist shall conduct pre-disturbance clearance surveys for the American badger and/or desert kit fox within seven days of ground-disturbing activities (e.g., diking, vegetation clearing, clearing and grubbing, equipment staging, etc.). If the American badger and/or desert kit fox are not detected during the pre-disturbance clearance survey, then no additional action or mitigation is required. If the American badger and/or desert kit fox are detected on site in an active den, then the Project Applicant shall be required to contact CDFW prior to conducting any Project-associated ground-disturbing activities and prepare and implement a relocation plan to avoid/minimize impacts to these species. An avoidance buffer of 300 feet shall be implemented around any active dens until the den is determined to have inactive burrows.</p>	<p>Within 7 days prior to site disturbance/grading</p>	<p>Town of Apple Valley/Biologist</p>		
<p>MM BIO-13: Jurisdictional Waters. The Project site supports aquatic resources that are considered jurisdictional under the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW). Prior to site disturbing activities, the Project Applicant shall coordinate with the Lahontan RWQCB (Region 6) to ensure conformance with the requirements of the Porter-Cologne Water Quality Control Act (waste discharge requirement). Prior to activity within CDFW jurisdictional streambed or associated riparian habitat, the Project Applicant shall coordinate with CDFW</p>	<p>Prior to, during, and after construction/grading</p>	<p>Town of Apple Valley/Lahontan RWQCB/CDFW</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>(Inland Deserts Region 6) relative to conformance to the Lake and Streambed Alteration permit requirements.</p> <p>The Project shall mitigate to ensure no net loss of waters at a minimum of minimum 1:1 with purchase of credits (1.63 acres RWQCB jurisdiction and 1.63 acres CDFW jurisdiction) for impacts to aquatic resources as part of an overall strategy to ensure no net loss. Mitigation shall be completed through use of a mitigation bank (e.g., West Mojave Mitigation Bank) or other Applicant-sponsored mitigation (such as restoration, preservation or enhancement of on-site or off-site resources). Final mitigation ratios and credits shall be determined in consultation with RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency’s respective permitting process.</p> <p>Should Applicant-sponsored mitigation be implemented, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared in accordance with State Water Resources Control Board guidelines and approved by the agencies in accordance with the proposed program permits. The HMMP shall include a conceptual planting plan including planting zones, grading, and irrigation, as applicable; a conceptual planting plant palette; a long-term maintenance and monitoring plan; annual reporting requirements; and proposed success criteria. Any Applicant-sponsored mitigation shall be conserved and managed in perpetuity.</p> <p>Best management practices shall be implemented to avoid any indirect impacts on jurisdictional waters, including the following:</p> <ul style="list-style-type: none"> ▪ Vehicles and equipment shall not be operated in ponded or flowing water except as described in permits. ▪ Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows. 				

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> ▪ Spoil sites shall not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages. ▪ Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters. ▪ No equipment maintenance shall be performed within 100 feet of jurisdictional waters, including wetlands and riparian areas, where petroleum products or other pollutants from the equipment may enter these areas. Fueling of equipment shall not occur on the Project site. 				
Cultural, Tribal Cultural, and Paleontological Resources				
<p>MM CUL-1: Workers Environmental Awareness Program (WEAP) and Cultural Resource Sensitivity Training. Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant or contractor shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards. The archaeologist shall conduct a Workers Environmental Awareness Program (WEAP) and Cultural Resource Sensitivity Training for all construction personnel and monitors who are not trained archaeologists. In attendance shall be the consulting Tribe(s) Tribal Historic Preservation Officer, and/or designated Tribal Representative.</p> <p>The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-</p>	<p>Prior to ground disturbance/grading</p>	<p>Town of Apple Valley/ Archaeologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>disturbing activities as well as the procedures to be followed in the event of an unanticipated discovery. A basic presentation shall be prepared and presented by the qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Tribal representative. Necessity of training attendance shall be stated on all construction plans.</p>				
<p>MM CUL-2: Archaeological and Native American Construction Monitoring. Prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards and enter into a Tribal Monitoring Agreement with the consulting Tribe(s) for the Project. The qualified archaeological and Tribal Monitor(s) shall be on site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources and/or tribal cultural resources.</p> <p>The qualified archaeologist, in consultation with the Tribal Monitor(s), shall be responsible for determining the duration and frequency of monitoring, and shall oversee and adjust monitoring</p>	<p>Prior to grading permits and following the completion of construction if any resources are identified</p>	<p>Town of Apple Valley/ Archaeologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring shall be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The archaeologist shall be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist shall provide an archaeological monitoring report to the lead agency and the South Central Coast Information Center with the results of the cultural monitoring program.</p>				
<p>MM CUL-3: Inadvertent Discovery of Archaeological Resources. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 60 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Depending upon the significance of the find under the California Environmental Quality Act (14 CCR 15064.5[f]; California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a Tribal representative will be necessary.</p>	<p>During construction/grading and following the completion of construction if any resources are identified</p>	<p>Town of Apple Valley/ Archaeologist</p>		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>MM TCR-1: Cultural Resources Monitoring and Treatment Plan. Prior to any ground-disturbing activities the Project archaeologist shall develop a Cultural Resources Monitoring and Treatment Plan (Plan) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. This Plan shall be written in consultation with the consulting Tribe(s) and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project construction schedule.</p> <p>In the event that cultural resources are discovered during Project activities, all work shall follow protocols outlined under MM CUL-3 (Inadvertent Discovery of Archaeological Resources). Additionally, the consulting Tribe(s) shall be contacted regarding any pre-contact and/or historic-era resources of a Native American origin and be provided information after the qualified archaeologist, as defined within MM CUL-2 (Archaeological and Native American Construction Monitoring), makes his/her initial assessment of the nature of the discovery. Should the discovery be deemed significant, as defined by CEQA (as amended, 2015), and avoidance cannot be ensured, the Cultural Resources Monitoring and Treatment Plan, created by the qualified archaeologist in coordination with the consulting Tribe(s), shall be followed and all subsequent discoveries shall be subject to this Plan. This Plan shall allow for a monitor to be present representing the consulting Tribe(s) for the remainder of the Project, should the consulting Tribe(s) elect to place a monitor on site.</p>	<p>Prior to any ground disturbance/grading</p>	<p>Town of Apple Valley</p>		
<p>MM TCR-2: Consultation with Consulting Tribes. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and lead agency for dissemination to consulting Tribe(s). The lead agency and/or applicant shall, in</p>	<p>Prior to and during ground disturbance/grading and ongoing through Project operation</p>	<p>Town of Apple Valley</p>		

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good faith, consult with the consulting Tribe(s) throughout the life of the Project.				
<p>MM TCR-3: Pre-Grade Meeting. The retained qualified archaeologist and consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan (in conjunction with the training held under MM CUL-1 (Workers Environmental Awareness Program [WEAP] and Cultural Resource Sensitivity Training).</p>	Prior to ground disturbance/grading	Town of Apple Valley/ Archaeologist		
<p>MM TCR-4: Inadvertent Discovery of Tribal Cultural Resources. In the event that previously unidentified tribal cultural resources are unearthed during construction, the qualified archaeologist and the Tribal Monitor(s) shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. This measure is in conjunction with mitigation measure MM CUL-3 (Inadvertent Discovery of Archaeological Resources).</p> <p>If a potentially significant tribal cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the lead agency and consulting Tribe(s) of said discovery. The qualified archaeologist, in consultation with the lead agency, the consulting Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the lead</p>	During grading/construction	Town of Apple Valley/ Archaeologist		

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<p>agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:</p> <p>A. Full avoidance.</p> <p>B. If avoidance is not feasible, Preservation in place.</p> <p>If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.</p> <p>C. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (36 CFR 79).</p>				
<p>MM TCR-5: Inadvertent Discovery of Native American Human Remains. The following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe(s).</p> <p>A. Should human remains, cremations, and/or funerary objects be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected by the establishment of an Environmentally Sensitive Area with a marked boundary. Project personnel/observers shall be restricted from entry into the Environmentally Sensitive Area. The County Coroner shall be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code Section 7050.5 and Public Resources Code (PRC) Section 5097.98.</p>	<p>During grading/construction</p>	<p>Town of Apple Valley/County Coroner</p>		

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<p>B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC Section 7050.5.</p> <p>C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC Section 5097.98.</p> <p>D. Once the MLD has been named, the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code Section 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe’s MLD, the landowner, and the Town Planning Department.</p>				
<p>MM TCR-6: Final Report. The final report(s) created as a part of the Project (Cultural Resources Monitoring and Treatment Plan, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the lead agency and consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the South Central Coast Information Center and the consulting Tribe(s).</p>	<p>Prior to ground disturbance consistent with MM TCR-1</p>	<p>Town of Apple Valley</p>		
<p>MM GEO-1: Paleontological Resources. The Project Applicant or proponent shall implement the following measures to protect paleontological resources.</p>	<p>Prior ground disturbance/grading; during construction; and post construction prior to obtaining building permits (if a</p>	<p>Town of Apple Valley/ Paleontologist</p>		

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<ul style="list-style-type: none"> ▪ Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on site, the Project Applicant or proponent shall retain a Qualified Paleontologist to per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The Qualified Paleontologist shall prepare and implement a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the SVP (2010) guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the proposed Project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a qualified paleontological monitor shall be on site during all rough grading and other significant ground-disturbing activities (including augering) in previously undisturbed, fine-grained Pleistocene alluvial deposits. ▪ Construction Worker Paleontological Resources Sensitivity Training. Prior to the commencement of Project ground-disturbing activities, a Qualified Paleontologist shall present a paleontological resources sensitivity training (or may be provided via digital recording) to project construction personnel. The paleontologist shall inform construction personnel about the laws protecting paleontological resources; the types of paleontological resources that could be encountered; the proper procedures to follow in the event of a paleontological discovery; and safety precautions to be taken when working with paleontological monitors. The Project Applicant shall provide the training agenda, materials, and attendance records to the Town within 5 business days of any request. 	<p>Paleontological Resources Recovery Plan is required)</p>			

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<ul style="list-style-type: none"> ▪ Paleontological Monitoring. During grading and excavation activities, a qualified Paleontological Monitor shall be present to monitor the earth-moving activities in accordance with the Project paleontological assessment report or the PRIMP. Should paleontological resources be encountered, the Paleontological Monitor shall have the authority to halt ground-disturbing activities; and immediately notify the Qualified Paleontologist of the find; and inspect, document, and salvage the find as necessary. The Qualified Paleontologist shall prepare and submit a final report summarizing monitoring results to the Town and the San Bernardino County Museum. ▪ Paleontological Resources Recovery Plan. If paleontological resources are discovered during earthmoving activities, the Qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP 2010) standards shall prepare and submit a Paleontological Resources Recovery Plan (PRRP) to the Town for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the recovery plan as approved by the County shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. All reports and plans resulting from implementation of this measure shall be submitted to the Town and filed with the San Bernardino County Museum. ▪ Paleontological Resources Discoveries Protocols. If fossils are discovered during earthmoving activities, the Paleontological Monitor shall be authorized to halt the ground-disturbing activities within an appropriate buffer area determined by the Paleontological Monitor. The paleontologist shall implement the PRIMP and oversee the collection of sediment samples and exposed fossils for processing and evaluation. Any fossils 				

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<p>encountered and recovered shall be prepared to the point of identification, catalogued, and curated at a public, nonprofit institution with a research interest in the material and with retrievable storage, such as the San Bernardino County Museum, if such an institution agrees to accept the fossils. Accompanying notes, maps, and photographs shall also be filed at the repository. All costs for lab work and curation fees are the responsibility of the project proponent or applicant. If no institution accepts the fossil collection, it may be donated to a local school or other interested organization in the area for educational purposes. The paleontologist shall prepare a final report on the collected fossils. The report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the Town and the San Bernardino County Museum along with field notes and any other supporting documentation.</p>				
Greenhouse Gas Emissions				
<p>MM GHG-1: Renewable Energy Plan. Future tenants of the Project shall be required to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy as part of the entitlement agreement. At each lease or change of building ownership, the new lessee or owner shall also be automatically enrolled in the Apple Valley Choice Energy 100% Renewable Energy Plan.</p>	<p>Tenant leases or change in building ownership</p>	<p>Town of Apple Valley/Project Applicant or Property Manager</p>		

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Project Design Features				
PDF-DES-1: Sustainable Design/LEED Measures. The Project shall be designed so that it is able to achieve LEED Silver certification at the time of building permit application. Documentation shall be provided to the Town of Apple Valley demonstrating that the Project meets this requirement prior to the issuance of building permits.	Prior to issuance of building permits	Town of Apple Valley		
<p>PDF-DES-2: Sustainable Concrete Building Materials. The Project shall be designed with sustainable materials that will reduce 35% of the overall carbon footprint compared to other traditionally designed concrete tilt warehouses. The following measures shall be implemented:</p> <ul style="list-style-type: none"> ▪ The Project shall reduce overall concrete in the slab by 10% through the use of a steel fiber mix to increase the overall strength of the concrete to reduce concrete thickness. ▪ The Project shall reduce overall concrete in the tilt walls by 30% by providing 4-inch foam insulation in the middle of the concrete panel (also known as composite panels). The foam insulation will result in an R value of R-19, while traditional concrete tilt walls have no R value, thereby reducing overall energy consumption and increasing occupant comfort. ▪ The roof shall have a 10% reduction in steel because of the lighter concrete tilt walls due to the foam insulation. ▪ The Project specifications shall require the use of sustainable concrete to reduce the Project’s overall carbon footprint by 35%. 	During review of the final map and during building construction	Town of Apple Valley		
PDF-DES-3: Electrical Infrastructure for Electric Equipment and Vehicles. The Project shall be designed to include electrical infrastructure to accommodate the required number of electric vehicle charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck electric vehicle charging stations per Title 24, Part 11 (California Green Building Standards	During review of the final map	Town of Apple Valley		

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<p>(CALGreen). Electrical conduit shall be installed within reasonable locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy this requirement. The Project’s electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads.</p>				
<p>PDF-DES-4: Electric Vehicle Charging Stations. Prior to issuance of a Certificate of Occupancy, Level 2 (or faster) electric vehicle charging stations shall be installed on-site for employees for the percentage of employee parking spaces commensurate with Title 24, Part 11 (CALGreen) requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By January 1, 2030, Level 2 (or faster) electric vehicle charging stations shall be installed for 25% of the employee parking spaces required.</p>	<p>Prior to issuance of Certificate of Occupancy</p>	<p>Town of Apple Valley</p>		
<p>PDF-DES-5: Sustainable Energy, Waste, and Water Design Measures. The Project Applicant or successor in interest shall implement the following measures:</p> <ul style="list-style-type: none"> ▪ The Project’s landscape plan shall emphasize drought-tolerant plants and use water-efficient irrigation techniques. ▪ All heating, cooling, lighting, and appliance fixtures shall be Energy Star-rated. ▪ All fixtures installed in restrooms and employee break areas shall be U.S. Environmental Protection Agency (EPA) WaterSense certified or equivalent. ▪ Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment. ▪ Storage areas shall be provided for recyclables and green waste, as well as food waste storage if a pick-up service is available. 	<p>During review of the final map</p>	<p>Town of Apple Valley</p>		

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Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> ▪ Buildings shall include high-efficiency particulate air (HEPA) filtration systems within in all warehouse facilities. ▪ The roof shall provide R-30 insulation to decrease overall energy consumption and increase occupant comfort. ▪ Solar-powered water heaters shall be installed on the Project site. ▪ A timer system for lighting to ensure that lights shall be switched off during times of non-operation shall be installed on the Project site. 				
<p>PDF-DES-6: Design of Ingress/Egress Points. Entry gates into the loading dock/truck court areas shall be sufficiently positioned to ensure that all truck and other vehicles are contained on site and inside the property line. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to the Project shall be strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the Project site.</p>	During review of the final map/ ongoing during Project operation	Town of Apple Valley/Property Manager		
<p>PDF-DES-7: Measures to Reduce the Urban Heat Island Effect. The following measures shall be implemented to reduce the urban heat island effect:</p> <ul style="list-style-type: none"> ▪ The Project’s roof structures shall be designed to include “cool roof” materials with a minimum aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of CALGreen, Table A5.106.11.2.3 for Tier 1 standards. ▪ Sufficient shade trees shall be provided throughout the Project site so that at least 30% of the automobile parking areas will be shaded within 15 years after Project construction is complete (excluding the truck courts where trees cannot be planted due to interference with truck maneuvering). 	During review of the final map	Town of Apple Valley		
<p>PDF-CON-1: Heavy-Duty Off-Road Construction Equipment Requirements/Restrictions. During Project construction, all internal combustion engines/construction equipment greater than 150</p>	During site disturbance/grading construction	Town of Apple Valley		

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<p>horsepower operating on the Project site shall meet U.S. EPA-certified Tier 4 Interim emissions standards. The Project Applicant or successor in interest shall include this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. An exemption from these requirements may be granted by the Town of Apple Valley in the event that the Project Applicant or successor in interest documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.¹ Before an exemption may be considered by the Town of Apple Valley, the Project Applicant or successor in interest shall be required to demonstrate that at least two construction fleet owners/operators in the High Desert and San Bernardino Region were contacted and that those owners/operators confirmed Tier 4 Interim or better equipment could not be located within the High Desert and San Bernardino Region.</p>				
<p>PDF-CON-2: Provision of Electrical Infrastructure for Construction and Use of Electric Construction Equipment. After the grading phase of Project construction, the Project Applicant or successor in interest shall provide temporary electrical hook ups to the power grid, rather than diesel-fueled generators, for contractors' electric construction tools, such as saws, drills, and compressors. The use of diesel-fueled generators for on-site construction activities shall be prohibited unless electrical infrastructure is not yet available on the Project site. Diesel-fueled generators may be used for off-site construction work. All off-road equipment with a</p>	<p>Post grading and during construction</p>	<p>Town of Apple Valley</p>		

¹ For example, if a Tier 4 Interim piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead, another piece of equipment could be upgraded from a Tier 4 Interim to a higher tier (i.e., Tier 4 Final) or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Interim standards.

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power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during Project construction must be electric-powered. The Project Applicant or successor in interest shall include these requirements in applicable bid documents, purchase orders, and contracts with successful contractors.				
PDF-CON-3: Construction Equipment Idling Restrictions. The idling of heavy construction equipment for more than 5 minutes shall be prohibited. Signage shall be posted throughout the construction site informing construction personnel of the idling time limit. Idling time limits shall be noted in construction specifications. Subject to all other idling restrictions, heavy construction equipment shall not be left in the “on position” for more than 10 hours per day.	During construction	Town of Apple Valley		
PDF-CON-4: Construction Haul Truck Requirements. All haul trucks entering the Project construction site during the grading and building construction phases shall meet California Air Resources Board (CARB) model year 2014 (or newer) engine emission standards. All heavy-duty haul trucks should also meet CARB’s lowest optional low-oxides of nitrogen (NO _x) standard.	During construction	Town of Apple Valley		
PDF-CON-5: Dust Control Measures. Comply with all applicable Rules and Regulations of the Mojave Desert Air Quality Management District (MDAQMD), including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust). To ensure compliance with these Rules and Regulations, the Project Applicant or successor in interest shall prepare and submit a Dust Control Plan to the MDAQMD for approval. The Dust Control Plan shall document the best management practices (BMPs) that will be implemented during Project construction to prevent, to the maximum extent practicable, wind and soil erosion. BMPs that will be included in the Dust Control Plan shall include, but are not limited to, the following:	Prior to site disturbance/grading and during construction	Town of Apple Valley/Mojave Desert Air Quality Management District		

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<ul style="list-style-type: none"> ▪ Signage compliant with Rule 403 (Attachment B) shall be erected at each Project site entrance prior to the commencement of construction. ▪ Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. If the Project site has exposed sand or fines deposits, or if the Project exposes such soils through earthmoving, chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from the sand/fines deposits. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The Project Applicant or successor in interest shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule, or Project-specific biological mitigation prohibiting wind fencing. ▪ All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. The Project Applicant or successor in interest shall take actions to prevent Project-related track out onto paved surfaces and clean any Project-related track out within 24 hours. All other earthen surfaces within the Project area shall be stabilized by natural or irrigated vegetation, compaction, chemical, or other means sufficient to prohibit visible dust from wind erosion. 				

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<ul style="list-style-type: none"> Obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under MDAQMD Rule 219 including, but not limited to, internal combustion engines with a manufacturer's maximum continuous rating greater than 50 brake horsepower. 				
<p>PDF-CON-6: Construction Waste Recycling and Management. Consistent with Section 5.408.1 of the CALGreen Code Part 11, a minimum of 65 percent of the nonhazardous construction and demolition waste shall be recycled and/or salvaged for reuse.</p>	During construction	Town of Apple Valley		
<p>PDF-CON-7: Architectural Coating Requirements. Architectural and industrial maintenance coatings (e.g., paints) applied on the Project site shall have volatile organic compound levels of less than 10 grams per liter.</p>	During construction	Town of Apple Valley		
<p>PDF-CON-8: Construction Logs. The Project's construction manager shall maintain on the construction site construction logs detailing the following:</p> <ul style="list-style-type: none"> An inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications; Verification that construction equipment operators have been advised of idling time limits and photographic evidence that signage with idling time limits have been posted around the construction site; and Evidence that construction contractors have been provided with transit and ridesharing information for construction workers. <p>Construction logs shall be made available in the event that local, regional, or state officials (e.g., officials from the Town of Apple Valley, MDAQMD, or CARB) conduct an inspection at the Project site.</p>	During construction	Town of Apple Valley/ Construction contractor		

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<p>PDF-OP-1: Zero-Emission Equipment. The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:</p> <ul style="list-style-type: none"> All equipment and appliances operating on the Project site shall be zero-emission equipment. This requirement shall apply to indoor and outdoor equipment such as forklifts, handheld landscaping equipment, yard equipment, office appliances, etc. The building manager or their designee shall be responsible for enforcing these requirements. 	During Project operation	Town of Apple Valley/Property manager or tenant		
<p>PDF-OP-2: Truck Requirements and Restrictions. The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:</p> <ul style="list-style-type: none"> Only haul trucks meeting CARB model year 2010 (or newer) engine emission standards shall be used for the on-road transport of materials to and from the Project site. In addition, tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB’s Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The building manager or their designee shall be responsible for enforcing these requirements. 	During operation/lease	Town of Apple Valley/Property manager		
<p>PDF-OP-3: Idling Time Restriction. The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:</p>	During operation/lease	Town of Apple Valley/Property manager		

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<ul style="list-style-type: none"> Upon commencement of operations, the tenant/operator of the Project shall be required to restrict truck idling on site to a maximum of 3 minutes, subject to exceptions defined by the CARB’s commercial vehicle idling requirements. The building manager or their designee shall be responsible for enforcing this requirement. 				
<p>PDF-OP-4: Anti-Idling Implementation Measures. The following measures shall be implemented to reduce air pollutant emissions from idling:</p> <ul style="list-style-type: none"> Signage. Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify the Project’s three-minute idling restriction. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged; (3) telephone numbers of the building facilities manager and CARB to report violations; and (4) that penalties apply for violations. Prior to the issuance of an occupancy permit, the Town of Apple Valley shall conduct a site inspection to ensure that the signs are in place. Efficient Load Management. The facility operator(s) shall be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. Anti-Idling Training. Tenants and operators on the Project site shall ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512). 	During operation	Town of Apple Valley/Property manager		

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<p>PDF-OP-5: Truck Routing Plan. The Project Applicant or successor in interest shall establish and submit for approval to the Town of Apple Valley a Truck Routing Plan that provides for routes between the Project site and the State Highway System. The Truck Routing Plan shall include measures, such as signage, pavement markings, and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. The Truck Routing Plan shall make every effort to avoid passing sensitive receptors, to the greatest extent possible, unless otherwise superseded by an applicable truck routing ordinance adopted by the Town of Apple Valley. The tenant/operator of the Project shall be responsible for enforcement of the Truck Routing Plan. A revised plan shall be submitted to the Town of Apple Valley prior to a business license being issued by the Town of Apple Valley for any new tenant/operator of the Project site. The revised plan shall expand upon the original Truck Routing Plan and describe the operational characteristics of the use of the tenant/operator, including, but not limited to, hours of operations, types of items to be stored within the building, and whether any modifications to the Project’s designated truck routes are necessary. The Town of Apple Valley shall have discretion to determine if changes to the Truck Routing Plan are necessary including any additional measures to alleviate truck routing and parking issues that may arise during the life of the Project. Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.</p>	<p>During operation</p>	<p>Town of Apple Valley/Property manager/tenant</p>		
<p>PDF-OP-6: Transportation Demand Management Plan. For occupants with more than 250 employees, a Transportation Demand Management (TDM) program to reduce employee commute vehicle emissions shall be established, subject to review and approval by the Town of Apple Valley. The TDM plan shall apply to Project tenants through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking,</p>	<p>Prior to tenant occupancy</p>	<p>Town of Apple Valley</p>		

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<p>and biking. Examples of trip reduction measures may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Transit passes ▪ Car-sharing programs ▪ Telecommuting and alternative work schedules ▪ Ride sharing programs 				
<p>PDF-OP-7: Yard Sweeping to Reduce Fugitive Dust. The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:</p> <ul style="list-style-type: none"> ▪ Yard and parking area sweeping shall be periodically conducted to minimize dust generation from the Project site. The building manager or their designee shall be responsible for enforcing this requirement. 	Ongoing during operation	Town of Apple Valley/Property manager		
<p>PDF-OP-8: Restriction on Cold and/or Refrigerated Space. Operations involving cold or refrigerated storage shall be prohibited unless additional environmental review, including a Health Risk Assessment, is conducted and certified pursuant to CEQA.</p>	During final map review	Town of Apple Valley		
<p>PDF-OP-9: Provision of Information Regarding Programs to Reduce Emissions from Trucks. Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding:</p> <ul style="list-style-type: none"> ▪ Funding opportunities that provide incentives for using cleaner-than-required engines and equipment, such as the Carl Moyer Program and Voucher Incentive Program. 	Prior to tenant occupancy	Town of Apple Valley		

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> The U.S. EPA SmartWay Program, which assists freight shippers, carriers, logistics companies, and other stakeholder partner with the U.S. EPA to measure, benchmark, and improve logistics operations and reduce air pollutant emissions from the transport of cargo. 				
<p>PDF-OP-10: Provision of Information Regarding Reducing Emissions from Area and Energy Sources. Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding:</p> <ul style="list-style-type: none"> Information regarding energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs. Information regarding and a recommendation to use cleaning products that are water-based or containing low quantities of volatile organic compounds. Information regarding and a recommendation to use electric or alternatively fueled sweepers with HEPA filters. Information regarding on-site meal options, such as food trucks, will be provided to employees. 	Prior to tenant occupancy	Town of Apple Valley		
<p>PDF-OP-11: Fire Pump Requirements. All diesel-fueled fire pumps shall meet U.S. EPA-certified Tier 4 Interim emissions standards, at a minimum.</p>	Prior to issuance of Certificate of Occupancy	Town of Apple Valley		

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